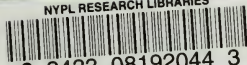


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IOWA CITY

A

CONTRIBUTION

TO THE

EARLY HISTORY OF IOWA

BY

BENJAMIN F. SHAMBAUGH, M. A.

PUBLISHED BY THE
STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY, IOWA

1893

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PREFACE.

Iowa City is interesting chiefly as the historical capital of Iowa. The object of this monograph, therefore, will be to deal with the history of Iowa City as a factor in the early history of Iowa. And under this treatment it is proposed to study the town in a two-fold aspect: as an *organ* of the state performing the functions of a capital, and as an *organism* illustrating the character, manners and customs of pioneer life in Iowa. The period covered in these pages extends from the founding of Iowa City in the year 1839 to the final removal of the capital to Des Moines in the year 1857.

No previous attempt having been made to write the history of Iowa City, this monograph is necessarily the result of original investigation. Fortunately, however, inasmuch as Iowa City has always been the seat of the State Historical Society, there has drifted into the library of this society important material on the subject which otherwise would have been lost or carelessly destroyed. As to sources of information I have for the most part relied upon contemporaneous newspapers, letters, original manuscripts and miscellaneous papers. The facts relative to territorial and state legislation—to

which I recur frequently—were all taken directly from the official reports. To all of these sources I have made copious references in the foot-notes in order to assist in verifying the statements found in the text, and to facilitate the labors of the future student.

While pursuing a course of graduate study I prepared a thesis upon "Iowa City, the Historical Capital of Iowa," which was accepted for the degree of Master of Arts at the State University of Iowa in June, 1893. In connection with the preparation of this thesis I owe acknowledgements to Professor W. R. Perkins, at whose instance it was written.

In May, 1893, extracts from the original thesis were thrown into the form of a lecture and delivered at Iowa City before the State Historical Society of Iowa. At the request of Dr. J. L. Pickard, President of the State Historical Society, I undertook, with a view to its publication by the Historical Society, a broader and more thorough presentation of my study, of which the following pages are the result.

For assistance in the preparation of the monograph as it now appears, I am especially indebted to Isaac A. Loos, Professor of Political Science in the State University of Iowa. His criticisms and suggestions on the arrangement of my material have been invaluable. To Professor Loos I am also grateful for an appreciation of scientific methods of study, and for the kindly personal interest which he has taken in my work.

To Dr. Theodore S. Parvin, librarian of the Iowa Masonic Library at Cedar Rapids, I am indebted for valuable information and suggestions. And to Messrs. H. W. Lathrop and M. W. Davis, of the State Historical Society, I am grateful for many favors.

B. F. S.

August, 1893.

CONTENTS.

INTRODUCTION.	PAGE
Geological	2
Historical	4
I.	
EARLY LAND CLAIMS.	
Claim Associations	7
Claim Association of Johnson County	9
Claims to the Site of Iowa City	10
Claims to Section Ten	13
Claims to the N. W. Quarter of Section Fifteen	15
II.	
THE FOUNDING OF IOWA CITY.	
Preliminary Legislation	17
Selecting the Site	20
The Site	25
Surveying the Town	26
The Town Plat	30
The First Inhabitants	32
The First Sales of Lots	34
. III.	
THE BEGINNINGS OF MUNICIPAL LIFE.	
Growth and Development	37
An Old Fashioned Economy	39
Mail Facilities	40
Public Roads	41
Ferries	42
Commerce	44
Mining	46
The Common Industries	47
The Iowa City Manufacturing Company	47
Local Politics	51
The County Seat	51
Early Justice	54

IV.

THE TERRITORIAL CAPITAL.

Coming of the Assembly	57
Erection of the Capitol	59
Financial History of the Capitol	65
Cost of the Capitol	72
Local Government of the Territorial Capital	73

V.

EDUCATIONAL BEGINNINGS.

Mechanics' Academy	77
Snethen Seminary	80
Iowa City College	80
Iowa City University	82
From Private to Public Schools	85
Iowa Female Collegiate Institute	86
School for the Blind	88
School for the Deaf and Dumb	89
Churches	89

VI.

THE STATE CAPITAL.

First Constitutional Convention	91
The Boundary Dispute	92
Negro Suffrage	94
Second Constitutional Convention	97
The Abolition of Banks	98
An Era of Progress	100
Early Railroad Projects	101
Davenport & Iowa City Railroad Company	103
Mississippi & Missouri Railroad Company	105
A Municipal Corporation	107
Municipal Improvements	108
A Political Center	109

VII.

REMOVAL OF THE CAPITAL.

Agitation for Removal	110
Monroe City	111
Des Moines	113
Third Constitutional Convention	113
The Great Compromise	115

INTRODUCTION.

Iowa City has a peculiarly significant history. Fathered by the Territory and located in a frontier wilderness upon unsurveyed lands this town, unlike any other town in Iowa, was a special creation. In point of origin it resembles more the Roman provincial town than the ordinary American city. For fourteen years of its history it was without corporate organization; and during this period it was subject directly to territorial and state legislation. Iowa City is preëminently the historical capital of Iowa.

Its location on the frontier called into existence the most powerful claim association ever known to have been organized in Iowa. Here assembled the men who first formulated into constitutional and statutory provisions the fundamental principles of Iowa law and jurisprudence. It was the objective point of the first railroad agitation west of the Mississippi River. And later on it became the seat of higher education.

Located on the left bank of the Iowa River, Iowa City is about sixty miles directly west of the Mississippi, one-half that distance from Muscatine, eighty-six miles from Dubuque, eighty miles east of the Raccoon fork of the Des Moines River, seventy-five miles from Burlington, and eighty-three miles north of the Missouri State boundary line. Near the geographical center of Johnson County, its latitude is $40^{\circ} 38''$ north, and its longitude $90^{\circ} 30''$ west.

The topography of the town site was unique—reminding the tourist of the city of St. Omer in France. Lying fifty feet above the water level of the Iowa River, the land was beautifully carved into the form of a vast amphitheater. On the west there is an eminence running parallel with the river and covered with large white oaks.¹ From this eminence the land descends from five to seven degrees to the eastward. On the northwest a high bluff, shaded by oak and hickory trees, overlooks the river to the west and slopes gradually down to the south and east. To the north, northeast and less prominently eastward rises a range of hills covered with hazel shrubbery and scattered growths of oak. While on the south there is a plain followed by a receding eminence crowned with heavy timber. The basin of this natural amphitheater, which in some places was spongy enough to mire a horse, was drained by a small stream now known as “Ralston Creek.”²

GEOLOGICAL.

Of all that long period of organic and inorganic evolution which must have preceded the dawn of the Devonian Age the rocks of Iowa City bear no inscriptions. The earliest geological records of the site of Iowa City date back no farther than the beginning of the Devonian Age.³ Then Iowa City lay at the bottom of a clear, shallow, open sea, whose waters stretched out limitless toward the west and southwest. This sea

¹ A few of the primitive oaks are still standing on the campus of the State University.

² Named in honor of Robert Ralston, one of the three commissioners who located Iowa City.

³ See Professor Samuel Calvin in *Iowa Historical Record*, Vol. I, No. 3

at first swarmed with millions of mailed worms of an old-fashioned type, whose numbers, however, were greatly reduced as time went on. Then, along with a variety of low-typed sponges, there flourished luxuriant growths of coral. These coral formations alone have made Iowa City famous in the scientific world. In 1864, Agassiz himself collected some with his own hand.¹ Crinoids, peculiar sharks and mail-clad fishes also inhabited this ancient sea. Finally the Devonian Age came to an end and with its close the life of the brachiopods, corals, sponges, sharks, fishes and crinoids also came to an end. Slowly the shore line of the sea retreated westward and the present site of Iowa City became a part of the North American continent. But this was not the last of its subaquatic life. For deposited beds of sandstone tell us that the whole site was again submerged shortly before the close of the Carboniferous Age. In time the sea again receded with the movements of the earth's crust. Exposed to the powerful influences of the elements, the rocks were carved into hills, basins and river courses. As this destructive work went on, long geological ages passed by solitarily. The Glacial Period came on with its fields and mountains of crushing, grinding ice. During this period there was on the site of Iowa City a lake of unfrozen water surrounded by icy barriers. But this lake with its icy barriers too passed away, leaving all things from that time on to verdure and to life. Of

¹ Professor Agassiz visited Iowa City in March, 1864, for the purpose of examining the coral formations in this locality. He was entertained by Professor T. S. Parvin at whose request he came to Iowa City. While here he delivered two lectures. One was delivered before the public in general, and was on the "Coral Reefs of Iowa City;" the other was on "Glaciers" and was addressed to the Faculty and students of the State University.

animals there flourished an infinite variety of species, from the minute worm and insect to the elephant and the mastodon.

HISTORICAL.

The events that took place on the site of Iowa City from the time that life first manifested itself to the appearance of man—the struggles for supremacy, the wars of species, the conflicts of individuals, the survivals of the best and the stamping out of the unfit—must forever remain unknown. And respecting its occupation by man previous to the advent of the European, we can only say that it formed an infinitely small part of the hunting grounds of the Indians. As to the possible predecessors of the Indians, too much has already been written and too little is actually known to call for further observations here.

Father Marquette was the first white man to penetrate the wilderness of what is now the State of Iowa. One hundred and thirty-two years after the discovery of the Mississippi by Ferdinand DeSoto, and one hundred and three years before the writing of the Declaration of Independence, he journeyed far into the then lonely valley of the Des Moines. His journey is one of the incidents in the sad history of the many fruitless attempts to convert the Indian tribes of the Great Lakes and the Mississippi Valley to the faith of Rome. Yet the failure of Marquette's mission will never detract from the deep interest which all Iowa has in that romantic journey of the fearless priest into the primeval wilderness of the Des Moines valley.

That portion of the Louisiana Purchase¹ which falls within the limits of Iowa was originally a part of the "District of Louisiana" placed under the jurisdiction of the Indiana Territory. The District of Louisiana became the "Territory of Louisiana" on the 4th of July, 1805, in accordance with an act of Congress approved on the 3rd of March preceding, and embraced that part of the purchase which lay north of the 33rd parallel. When in 1812 the Territory of Orleans, lying south of the 33rd parallel, became the State of Louisiana, the Territory of Louisiana was named Missouri.² In 1819 the Territory of Arkansas was created and Missouri, a year later, became a State with substantially its present boundaries. The large tract, hitherto included in the Territory of Missouri, lying west and north of the State of Missouri was not then formally reorganized; and the future Territory of Iowa was left apparently without local government for fourteen years.³ Joined to the Territory of

¹ That large tract of territory, known as Louisiana, was first discovered by the Spaniards; but through failure to occupy, it was lost to France. By treaty on the 10th of February, 1763, France transferred it to the Spanish crown. Spain ceded it back to France October 1st, 1800. Again by a treaty which was signed on the 2nd of May, 1803, and ratified by the Senate of the United States about the middle of October, 1803, Louisiana was purchased by the United States. By act of Congress, October 31st, 1803, a temporary government was authorized for the newly acquired territory. "The annexation of Louisiana was an event so portentous as to defy measurement; it gave a new face to politics, and ranked in historical importance next to the Declaration of Independence."—(Henry Adams, *Hist. of U. S.* Vol. II, page 49.)

² U. S. Stat. at Large, Vol. II, 743.

³ I say *apparently* without local government, for as a matter of fact the settlers of this district did exercise the functions of local government. Their rules, regulations and courts had, it is true, no legal sanction; but they had what was actually more authoritative in a new country—they had the sanction of the community.

Michigan on the 28th of June, 1834, for civil and judicial purposes,¹ Iowa became a part of the Wisconsin Territory in July, 1836.² Two years later, on the 3rd of July, 1838, it was established and designated as the "Territory of Iowa," with a temporary capital at Burlington.³

In January, 1839, the first Legislative Assembly of the Territory appointed commissioners to select a site within the limits of Johnson County⁴ upon which to locate the seat of government of the Territory of Iowa. At the place thus selected the commissioners were ordered to found a town to be called IOWA CITY.

¹ U. S. Stat. at Large, Vol. IV, 701.

² *Ibid*, Vol. V, 10.

³ *Ibid*, Vol. V, 235.

⁴ Johnson County was organized by an act of the Council and House of Representatives of the Territory of Wisconsin, approved June 22nd, 1838. Previous to the passing of this act, Johnson County had been a part of Dubuque County, created by the Territorial Assembly of Michigan in September, 1834.

I.

EARLY LAND CLAIMS.

CLAIM ASSOCIATIONS.

To the superficial observer the general statement, that the site of Iowa City, originally a part of the Public Domain of the United States by right of purchase and treaty, was donated by the General Government to the Territory of Iowa for public purposes, has been an all sufficient *résumé*. Yet this statement contains no reference to the most interesting chapter in the history of Iowa City landed property—interesting not only to those who are directly concerned in Iowa City real estate, but also intensely interesting to the student of “Institutional Beginnings in the Mississippi Valley.” The history of “early land claims” goes back of all government records and is to be found in the history of the claim associations alone.

The earliest claims to land west of the Mississippi River were made by pioneer farmers (or squatters) in direct violation of an act of Congress prohibiting settlers from trespassing on the Public Domain. These early land-holders, without titles or patents from the United States, had no *legal* rights to the soil they occupied and, therefore, could expect no protection from the General Government. In consequence there grew up a system of popular government peculiar to the pioneer communities of the West. It was a novel system based upon the organization known as “Claim Association” or “Land Club.”

Each community or township had its own distinct land association, the principal object of which was the protection of the *bona fide* settlers in what they pleased to call their rights in making and holding claims—protection against “speculators,” “land sharks” and greedy settlers. Disputes between members of an association were arbitrated by the “Claim Court” or “Claim Committee.” From the decisions of this court or committee there was no appeal. Intentional failure to abide by the laws of the association was punished by boycott, ostracism, public condemnation, tar-and-feathers and the lash.

The maximum amount of land allowed to any one settler varied in the different communities from one hundred and sixty to four hundred and eighty acres. Boundaries of claims were designated by section and township lines, if the public surveys had been completed, otherwise by blazed trees, streams, hills, stumps, stakes and rocks. These claims the settlers continued to cultivate and improve until the land was offered for sale by the government.

As the time announced for the public sale approached, all claims were carefully recorded and marked off on the township map. A “bidder” for the whole community was then appointed by the association. At the sale he held the marked township map, and as fast as the claims of the members of his association were called by the auctioneer, he would bid the minimum price of one dollar and twenty-five cents per acre. And at this price the land was invariably bought: for no one dared bid against an original claimant. Let an outsider be so bold as to put in a counter bid, and in an instant he would be “knocked down” and compelled to withdraw his offer, or risk his life at the hands of the members of

a claim association, who were all there ready¹ to "do their duty." At home as at the public sale, the members were always fully protected in their rights. And this, let it be understood, was no second rate protection. For the law of the association was the supreme rule of the community against which no man dared raise his hand.

THE CLAIM ASSOCIATION OF JOHNSON COUNTY.

As soon as Johnson County was seriously mentioned as the county in which the capital of the Territory of Iowa would probably be located, emigrants began to examine their maps for the favored district and make preparations for a journey to the frontier. Anticipating a rush of immigration, the "squatters" already in Johnson County took steps—immediately after the passage of the act definitely fixing the location within the limits of their county—toward forming of an association for the better protection of their rights in making and holding claims. After several preliminary meetings the "Claim Association of Johnson County" was formally organized on the 9th day of March, 1839, at a public meeting attended by nearly every "squatter" in the county.

The Claim Association of Johnson County was well supported by the community for which it was created. Its laws and resolutions were at all times strictly observed and loyally upheld. "Claim-jumping" was prevented;¹ and at the government land sales the association secured

¹ I have been able to learn of only two cases of "claim-jumping" in which the association was concerned. One was an attempt on the part of Mr. Crawford to "jump" a claim made by Mr. Sturgis; the other attempt was made by Mr. Charles Berryhill, who was promptly given the required number of lashes by Mr. Joseph Stover, of the claim association.

to its members the privilege of purchasing their claims at the average minimum price of one dollar and twenty-five cents per acre. "New-comers" were compelled to respect the regulations of the association. Most of them acquiesced willingly and signed the constitution. Robert Lucas, Iowa's first Governor, having purchased a claim in the county, acknowledged the sovereignty of this pioneer organization by subscribing to its constitution and handing in his own claim for record.¹

CLAIMS TO THE SITE OF IOWA CITY.

But the peculiar circumstances surrounding the donation of a part of the Public Domain by the United States to the Territory of Iowa, and the founding of a town by the Legislative Assembly on that land were such, that settlers, unfortunate enough to have made or purchased claims on the soil thus appropriated, could find no protection even in the Claim Association of Johnson County. For the claim associations were always bound to respect the rights of the United States.² With but two exceptions the claimants to the town site of Iowa City received no remuneration for their claims or their improvements.³

¹ Other prominent men whose names are attached to the constitution of this claim association are: S. C. Hastings, one of Iowa's early Representatives in Congress, and afterwards a Judge of the Supreme Court of Iowa, and also a Judge of the Supreme Court of California; Morgan Reno, Territorial and State Treasurer of Iowa; S. H. McCrory and Henry Felkner, members of the Legislative Assembly of Iowa; and Robert Ralston, one of the commissioners who located the capital at Iowa City in 1839.

² The claim associations in the west, let it be borne in mind, were organized not to protect settlers against the government, but to protect them against speculators and unscrupulous "squatters."

³ In speaking of the site of Iowa City in this connection, I wish to be understood as referring not only to section ten, the original Seat of Government, but also to the addition made soon afterward for the location of the Johnson County Court House, the northwest quarter of section fifteen.

The first exceptional case was that of J. G. Morrow, of Bloomington.¹ It is recorded, that on the 2nd of January, 1839, Samuel Bumgardner, of Johnson County, sold to J. G. Morrow, of Muscatine County, the southeast quarter of section ten, township seventy-nine north, range six, west of the fifth principal meridian. This quarter section became a part of the town site. The territorial commissioners, therefore, in consideration of the claims of Mr. Morrow, granted him the privilege of bidding in at a nominal price one of the first lots offered for sale. The second exceptional case was that of Andrew D. Stephen in the locating of the seat of justice for Johnson County. According to the records, Mr. Stephen had purchased simply the one equal undivided half of the northwest quarter of section fifteen. But from another source² it is learned that "A. D. Stephen, Esq., held the claim and resided upon the northwest quarter of section fifteen." It is further learned from this same source that the county commissioners before preëmpting this quarter section purchased the same of Mr. Stephen. Thus it will be seen that in two cases the claims of the occupants of what was then a part of the Public Domain were respected.

The first claim to any part of section ten was made by Samuel Bumgardner in October, 1837. It included the southwest fractional quarter; and according to the records this was the only part of section ten claimed by Mr. Bumgardner. But it is also recorded that Samuel Bumgardner on the 2nd of January, 1839, sold to J. G. Morrow, the southeast quarter of section ten. There-

¹ Bloomington is now known as Muscatine.

² A brief sketch of the early history of Johnson County, written by Cyrus Sanders and Henry Felkner.

fore, it would seem that Mr. Bumgardner had claimed the whole south half of section ten. On the 4th of April, 1839, the southwest fractional quarter was sold to John Kight. The north half of section ten was claimed about the 15th of June, 1838, by Samuel B. Mulholland and William Willson. It is not recorded that this latter claim was ever sold.

As to the northwest quarter of section fifteen, it is recorded that on the 3rd of January, 1839, Samuel Bumgardner sold to Andrew D. Stephen "that part which lyes east of the Iowa River." On the 20th of February of the same year, Andrew D. Stephen sold to William Willson "the North west quarter of section fifteen" for the sum of two hundred dollars. William Willson held the claim a little over eight months when he sold "the one Equal undivided half" to Andrew D. Stephen, and the other equal undivided half to John Kight. It is probable that, in this sale by William Willson of the two equal undivided halves of the northwest quarter of section fifteen, Mr. Kight got the north half and Mr. Stephen the south half. This supposition is based on the fact that Mr. Kight's claim in section ten lay just over the line dividing sections ten and fifteen. Again as to the northwest quarter of section fifteen, it is recorded that on the 26th of February, 1840, Walter Clark made claim to "all that part of the N W qr of Sect 15 in Township 79 N R 6 west which Lyes west of the Iowa River in Johnson County." Over a year afterwards it is further written that Andrew D. Stephen wishes to have the same portion of section fifteen recorded to him "if not recorded to John Kight." The records do not show that it was ever recorded to John Kight, unless it was included in the "one equal undivided half," which was "quit claimed" to the said John

Right by William Willson on the 1st of November, 1839.

These records, it will be observed, are not entirely satisfactory. For in one instance, Mr. Bumgardner has only a part of the south half of section ten recorded to him, but afterwards sells the whole of the south half. Again, in the case of the northwest quarter of section fifteen there seems to be a little vagueness. Mr. Bumgardner sells to Andrew D. Stephen that part which lies east of the Iowa River. But Mr. Stephen sells the northwest quarter of section fifteen to William Willson. Mr. Willson divides the quarter and sells it again. Then four months after this last transfer by William Willson, Walter Clark claims "all that part of the N W qr of Sect 15 which Lyes west of the Iowa River." And over a year after this Mr. Stephen asked that it be recorded to him. All this discrepancy may, however, be explained away by the probable supposition that in certain cases claims and deeds were not handed in for record. The preliminary surveys¹ had of the claims also may not have corresponded exactly to the subsequent government surveys. Then too, claims were frequently forfeited, in which cases they were usually recorded to some other settler.

CLAIMS TO SECTION TEN.²

The following is a description of a Part of a claim I wish recorded that was made in October 1837. the same beeing two fractions the south west fractional quarter of section Ten & the south East fractional quarter of section nine Lying on the Iowa River Town 79. N. R 6. W. Johnson County Iowa Territory containing 160 acrs.³

handed in 3rd April 1839

SAML BUMGARDNER

¹ Surveys made by the settlers previous to the government surveys.

² The Manuscript Records from which the following extracts were taken are preserved in the library of the Iowa State Historical Society.

³ Taken from original MS., page 11.

The following is a description of a claim we made about the 15 of June 1838. beeing the N. W. qr of Sect 11 & the North half of section Ten Town 79 N R 6. West of 5 principal meridian which we wish recorded to us¹

handed in April 6th 1839

SAMUEL. B. MULHOLLAND
WILLIAM. WILLSON.

This Indenture made this second day of January 1839 between Samuel Bumgardner of Johnson County and Territory of Iowa of the one part and J G Morrow of the County of Muscatine of the Territory aforsaid of the other part Witnesseth that the said Samuel Bumgardner for and in concideration of the sum of fifty Dollars. to him in hand paid by the said J G Morrow. the receipt whereof is hereby acknowledged has bargained sold and quit claim deed given to the said Morrow to a certain tract of Land claimed by him described as follows. beeing the south east quarter of Section Ten (10) Town 79 N R 6 west and the south West quarter of section Eleven Town 79 N R. 6. W. beeing one mile and a half from the Town line of Napoleon bounded on the west by the Iowa River the said Bumgardner for and in concideration of the amount of money paid is to build the said Morrow upon said claim a House of the following dimensions Viz sixteen by 14 Feet wide to be put up and covered in a substantial manner with Doors & windows said House to be finished by the 16 day of March A D 1839. witness our hands and seals this 2 day of January 1839.²

witness

PHILIP. CLARK
A. D. STEPHEN

SAMUEL ^{his} + BUMGARDNER [SEAL]
mark

J G MORROW [SEAL]

handed in June 12th. 1839.

Know all men by these presants that I Samuel Bumgardner for and in consideration of one hundred Dollars to me in hand paid the Receipt where of is here by acknowledged have bargened sold and for ever quit claimed unto John Kight all my right title interest claim estate and demand what ever to all those tracts or parcels of land known and described as follows the same beeing two fractional quarters. containing about one hundred and sixty acres and situated on the Iowa River. the same beeing the south west fractional quarter of Section Ten and the South East fractional quarter of section Nine Town 79. N. R 6 west of the 5 principal meridian lying & beeing in the County of Johnson &

¹ Taken from original MS., page 14.

² *Ibid*, page 31.

Territory of Iowa against the claims of all persons Except the united states I warrant & defend the claim above mentioned up to this date given under my hand & seal this 4 day of April 1839.¹

handed in April 6th 1839.

SAMUEL BUMGARDNER. [L S]

CLAIMS TO THE NORTHWEST QUARTER OF SECTION FIFTEEN.

This quit claim Deed made this third day of January 1839 witnesseth that I. Samuel Bumgardner has this day bargened and sold and by these presents doe bargin and convey to Andrew D Stephen (boath partees of the County of Johnson and Territory of Iowa) all my right title interest and claim in and to the following Tract or parcel of land lying and beeing in the county and Territory aforesaid the same beeing the North west quarter of section Fourteen North east quarter of section fifteen and that part of the North west quarter of section fifteen that lyes East of the Iowa River the above quarters beeing in seventy Nine North six west of the fifth principal meridian for the sum of seventy five Dollars. to me in hand paid by the said Andrew Stephen given under my hand and seal and date above written ²

attest.

SAMUEL H. MCCRORY³

SAMUEL BUMGARDNER. [L. S.]

SAMUEL C TROWBRIDGE.

admitted to record March 15th 1839.

This quit claim deed made this. Twentieth day of February One thousand Eight hundred & Thirty nine witnesseth that A D Stephen has this day bargened sold and conveyed and by these presents doe bargin sell and convey to William Willson boath parties of the county of Johnson & Territory of Iowa A certain tract parcel or claim of land lying & beeing in the county of Johnson & Territory of Iowa the same beeing the North west quarter of section fifteen Township seventy nine North Range 6 west of the 5 principal meridian according to a survey made by George Bumgardner for the sum of Two hundred Dollars. the receipt of which is here by acknowledged given under my hand this day and date above written ⁴

handed in March 16th 1839. (Delivered)

A D STEPHEN

¹ Taken from original MS., page 14.

² *Ibid*, page 1.

³ Secretary of the Claim Association.

⁴ Taken from original MS., page 6.

Know all men by these presents that I William Willson for and in consideration of the sum of four hundred Dollars to me in hand paid the receipt of which is hereby acknowledged I have bargened and sold and by these presents do for ever quit claim to Andrew D Stephen the following claim tract or parcel of land Lying and beeing in the County of Johnson & Territory of Iowa the same beeing the one Equal undivided half of the N. W. qr of Sect 15. Town 79. N. R. 6. west and the one Equal undivided half of the S. W. qr of Sect Twenty Three (23) Town 79 N. R. 6. west of the fifth principal meridian given under my hand and seal this 1st day of November 1839.

handed in November 1st 1839.

WILLIAM WILSON [SEAL]

Know all men by these presents that I William Wilson has this day bargened and sold by these presents do for ever quit claim to John Kight the following claim tract or parcel of land for the sum of one hundred Dollars the receipt of which is here by acknowledged the same claim tract or parcel Land lying and beeing in the County of Johnson & Territory of Iowa and beeing the one equal undivided half of the N W. qr of Sect 15. Town 79 N R 6 west of the fifth principal meridian given under my hand & seal this first day of November 1839²

handed in November 1st.

WILLIAM WILSON [SEAL]

Walter Clark has this day made the following Claim Towit all of that part of the N W qr of Sect 15 in Township 79 N R 6 west which Lyes west of the Iowa River in Johnson County Febuary 26th 1840³

handed in Febuary 28th 1840

WALTER. CLARK

The Following is a description of a claim if not recorded to Kight and me I wish you to record it to me made this 10 day of March 1841 that part of the N W qr of Sect 15 Lying west of the River Township 79 N Range 6 west⁴

handed in March 11th 1841.

A D STEPHEN

¹ Taken from original MS., page 40.

² *Ibid*, page 40.

³ *Ibid*, page 41.

⁴ *Ibid*, page 49.

Section Ten and the North-West Quarter of Section Fifteen.

North West Quarter.

North East Quarter.

MULHOLLAND & WILLSON.

South West Quarter.

10

South East Quarter.

SAMUEL BUMGARDNER.

JOHN KIGHT.

J. G. MORROW.

North West Quarter.

SAMUEL BUMGARDNER.
ANDREW D. STEPHEN.
WILLIAM WILLSON.

JOHN KIGHT.

ANDREW D. STEPHEN.

15

II.

THE FOUNDING OF IOWA CITY.

PRELIMINARY LEGISLATION.

As to origin and causes of growth, Iowa City differed widely from the ordinary town. Usually a town is simply the expansion of a small community—a country village enlarged. Sometimes it centers about a mine, or clings to some great river course. It flourishes at the junction or terminus of large railway systems. It springs up where fields are fertile and harvests abundant. And favorable commercial points are never long without the shop, the store and the office. In all cases the ordinary town has a natural unplanned origin, and grows by reason of the superior advantages of its location. With Iowa City, however, it is all different. This town was not simply the expansion of a group of country dwelling houses. Without mines, it had over one thousand inhabitants before railroads had reached Chicago. Before the sod of the surrounding country had been turned, Iowa City was, with the exception of Dubuque and Burlington, the most prominent town in Iowa. In short, Iowa City was a specially artificial creation, deliberately planned and created by the Territory of Iowa to afford a location for the permanent seat of government of the Territory. Having grasped this fact we have the key to the origin, growth and character of the town.

The founding act of Iowa City, "AN ACT to locate the Seat of Government of the Territory of Iowa, and for other purposes,"¹ passed at the first session of the first Legislative Assembly of the Territory of Iowa, was approved January 21st, 1839. This act provides that the Legislative Assembly shall meet at Burlington until, by proclamation of the Governor, the public buildings at the permanent seat of government shall be declared ready for its reception; that three commissioners, consisting of one person from each judicial district of the Territory, shall be appointed by joint ballot of the Council and House of Representatives, to locate and establish a permanent seat of government; that said commissioners, or a majority of them, shall, on the 1st day of May, meet at the town of Napoleon and proceed to locate the seat of government at the most eligible point within the limits of Johnson County; that they shall agree upon a plan and issue proposals for the erection of the necessary public buildings; that they shall agree upon one of their number to be "Acting Commissioner," whose duty it shall be to superintend daily in person the rearing and finishing of said buildings: that they shall employ one or more competent surveyors and all other hands necessary and shall have six hundred and forty acres of land laid out in lots, out-lots, streets, squares, and alleys at the place where the seat of government is located, if practicable; and that they shall have the town platted.

"AN ACT supplementary to 'An Act to locate the Seat of Government of the Territory of Iowa, and for other purposes'"² provided further that so soon as the place shall be selected, and the consent of the United

¹ Stat. Laws of Ia. Ter., 1st Leg. Ass'y, page 435.

² *Ibid*, page 437.

States obtained, the commissioners shall proceed to lay out a town to be called "IOWA CITY;" that after a plat of the town shall have been recorded, the Governor shall direct a sale of lots to be held under the direction of the commissioners, the proceeds of which shall go into the Territorial Treasury, to be expended as may be directed by law; that the acting commissioner shall give bond to the United States in the penal sum of forty thousand dollars for faithful performance of duty; that the Governor shall apply to Congress for a donation of, or a preëmption to, four sections of land on which to locate the seat of government of the Territory of Iowa; and Chauncey Swan, John Ronalds, and Robert Ralston shall act as commissioners to locate the seat of government and superintend the erection of public buildings.

In accordance with the fourth section of the act supplementary to the act locating the seat of government of the Territory of Iowa, and in the manner prescribed by a joint resolution¹ of the Council and House of Representatives, Congress was asked to donate "at least four sections on which to locate the seat of government of the Territory of Iowa." Congress took action on the matter by passing "An Act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon."² This act was approved March 3rd, 1839. It directed that only one section — instead of four — be selected; which section must be on surveyed lands. Furthermore, the second section of this act provides, "That if, at the time of the selection of land to be made as aforesaid, the contiguous sections thereto have not been made subject to public sale, or

¹ Resolution No. 12, Stat. Laws of Ia. Ter., 1st Leg. Ass'y, page 519.

² U. S. Stat. at Large, Vol. V, 330.

being so subject have not been sold at public sale or by private entry, then each and every section contiguous to said selected section, and not so sold, shall be thereafter reserved and withheld from sale in any manner, until the further order of Congress thereon." This provision was not repealed until August, 1842.¹

SELECTING THE SITE.

It now remained for the territorial commissioners to select the site. The morning of May 1st, 1839, found a small group of somewhat roughly clad pioneer settlers collected at Napoleon to await the arrival of the commissioners. For over three months these sturdy farmers had been looking forward to the coming of the commissioners with intense interest and delight. But on this particular morning they carried a look which betrayed anxiety. Each man desired that the location be made *near* his own claim, yet at the same time he was fearful lest it should include his land and improvements. For, they all well knew that they had, to the land they occupied, no rights which the United States or the Territory of Iowa were bound to respect. But as the day advanced this anxiety took an unexpected turn.

Burlington and the counties in the southeastern part of the Territory were bitterly opposed to locating the seat of government in Johnson County. And it was thought that an attempt had been made to prevent a majority of the commissioners from meeting on the 1st day of May as directed by law.² The only commissioner on the grounds on the morning of May 1st, was Chauncey Swan, of Dubuque County. As noonday approached,

¹ U. S. Stat. at Large, Vol. VI, 846.

² *Iowa Historical Record*, Vol. VI, 564.

and no other commissioner appeared, the crowd began to suspect fraud. There was now excitement and alarm lest the entire county should be cheated out of the prized location.

It is said that about noon the excitement became intense, when Chauncey Swan mounted a dry-goods box and made a short speech to the agitated crowd, presenting the situation as follows: The Legislative Assembly had directed the locating commissioners to meet at Napoleon on the *first day of May*. Should a majority of them fail to meet on that day, their actions would be null and void. Chauncey Swan then called for a volunteer who would undertake to bring another commissioner before midnight. This certainly seemed like a hopeless undertaking; for John Ronalds, of Louisa County, the nearest commissioner, resided thirty-five miles from Napoleon. It would, therefore, require a ride of seventy miles in twelve hours, including all stoppages and ferrying the Cedar River both going and coming. But a young lad named Philip Clark stepped boldly out and volunteered his services.

Henry Felkner, who was among the anxious crowd at Napoleon on that memorable May day, continues the narrative as follows: "Of course there was much anxiety lest the effort should prove a failure. Fears were entertained that [John] Ronalds might not be at home, or not disposed to come, or that he could not reach the place in time. But these were all idle fears, for as soon as [Philip] Clark told him the situation he got ready at once and they started with the determination to reach their destination in time. While they were going at their best speed the watchers at Napoleon had their doubts and their fears, and as it began to draw on

towards midnight, and no tidings, their fears began to give way to despair. [Chauncey] Swan often consulted his watch and then would send some one out to listen. But no sound could be heard. This was repeated frequently, until at last the sound of horses' hoofs were heard in the distance, approaching rapidly. They did not slack up till they had arrived at the place of meeting. And when the riders dismounted and went in, [Chauncey] Swan again consulted his watch and found that it was just five minutes to twelve o'clock." Robert Walker, a Justice of the Peace, was on hand to administer the oath, which was signed by the commissioners and the date "May 1st, 1839" thereunto affixed. It has, however, been shrewdly intimated by one present, that perhaps the hands of Mr. Swan's watch were turned back that night; "for it was noticed that from midnight to sunrise were the shortest six hours on record." It is not improbable that Mr. Swan did either stop his watch or turn back its hands; for it is difficult to understand how a man on horseback could travel seventy miles in twelve hours over such roads as existed in the Territory at that time.

On the morning of May 2nd the two commissioners, Chauncey Swan and John Ronalds, "proceeded to examine the County of Johnson with a view to select the most eligible point for said location."¹ They did some preliminary surveying. The location was finally made on Section Ten, Township Seventy-Nine North, Range Six West of the Fifth Principal Meridian, on the 4th day of May, one thousand eight hundred and thirty-nine. The site was indicated by a post or slab, driven in the

¹ Report of Acting Com., House Jour., 2nd Leg. Ass'y, Ia. Ter., page 90.

ground about where the old capitol building now stands, bearing the following inscription:¹

SEAT OF GOVERNMENT,

CITY OF IOWA.

May 4th, 1839.

C. SWAN,	} <i>Commissioners.</i>
JOHN RONALDS,	
ROBT. RALSTON,	

Witness,

GEO. W. KELLY,	} Des Moines.
J. H. McKENNY,	
J. W. ISETT, Louisa.	
J. DILLON, Dubuque.	

Sec. 10, T. 79, R. 6, W. 5th Mer.

Robert Ralston, of Des Moines County, the commissioner who did not appear at the meeting on the 1st of May, arrived at Napoleon on the 6th of May and agreed to the proceedings of the majority of the commissioners.² On the 7th day of May, Chauncey Swan was appointed by the board, "Acting Commissioner" to superintend in person the affairs in connection with the seat of government.³

The commissioners after making the location on the 4th day of May agreeable to the laws of the Territory, found that by the act of Congress of March 3rd, 1839, the location was to be made on "surveyed lands."

¹ Chas. Negus in *Annals of Iowa*, Vol. VII, 326.

² Report of Acting Com., House Jour., 2nd Leg. Ass'y, Ia. Ter., 90.

³ *Ibid*, page 90.

Thereupon the commissioners unanimously agreed to send a memorial to the President of the United States, respectfully requesting a special survey of two townships in Johnson County, embracing the seat of government.¹ The object of this was to make the location as perfect as possible under the act of Congress as well as that of the Territory. Accompanying the memorial, which was forwarded by Chauncey Swan from Dubuque, was a request from the Surveyor General's office at Dubuque, calling for the survey of twelve other townships, in addition to the two townships above mentioned. The commissioner of the General Land Office at Washington immediately ordered the survey of the two townships as requested by the commissioners in their memorial.²

It was further provided by the act of March 3rd, 1839, that notice of the selection shall, within one year from the passing of the act, be officially returned to the Register of the Land Office in the district in which the land is situated. This provision was complied with in October, 1839. When at the second sale of lots in Iowa City, which took place early in October, John Ronalds and Chauncey Swan, commissioners, "did then and there give notice to the Register of the Land Office at Du Buque, that the seat of Government of Iowa Territory was located on section ten, Township seventy-nine north, and Range six west of the fifth principal meridian."³

¹ Report of Acting Com., House Jour., 2nd Leg. Ass'y, Ia. Ter., page 93.

² The commissioner of the General Land Office regretted that on account of scarcity of funds he could not order the survey of the additional twelve townships.

³ Report of Acting Com., House Jour., 2nd Leg. Ass'y, Ia. Ter., page 92.

THE SITE.

Judging from the present appearance of Iowa City, with its seven thousand inhabitants, its University, its houses and graded lots, its semi-graded streets and door-yard trees and bushes, it would be impossible to form anything like a realistic conception of the town site as it presented itself to the territorial commissioners in May, 1839.

As early as October, 1837, a claim was made to a part of the site by a pioneer farmer.¹ But up to the time of the meeting of the commissioners, little or nothing had been done in the way of preparing the ground for cultivation. The whole site, therefore, was practically in its wild and natural state. It was a wilderness, in which the Indian camp-fires had scarcely gone out. Poweshiek with over a thousand red men camped but a few miles to the south. Few white men had settled farther west.

A Burlington newspaper of that day says: "The most vivid imagination can scarcely picture to itself so captivating a spot, situated in the midst of all that wild and rural scenery which can tend to embellish and render it desirable. The river first approaches the town from the north, through rocky banks of moderate height, covered with a thick grove of stately trees, and then runs to the south, and flows off between unequal banks scattered over with venerable oaks. Opposite the city, on the west side of the river, the banks are abrupt and bold, and rise from the water's edge about fifty feet above its surface to the level of a smooth prairie, which approaches the bank of the river at this place and then sweeps off westward in beautiful undulations of hill and

¹ See Chapter I on "Early Land Claims," page 13.

dale." These banks of the Iowa River contained an inexhaustible store of good building rock.

Added to resources of the earth was an abundance of timber. The large grove near the site was described in these words: "Big Grove, which is situated between the Iowa and Cedar Rivers, has been pronounced to be one of the largest and best bodies of timber in the Territory, being about twenty miles in length, with an average width of six or seven miles." As for building material the town could not have been more favorably located. The surrounding country was a variation of hill, prairie and forest.

SURVEYING THE TOWN.

Nearly two months after the locating of Iowa City, the town survey was begun. "On the twenty-seventh day of June, A. D., 1839, it was ordered by the board of locating commissioners, that Thomas Cox and John Frierson¹ should be employed to survey Iowa City, and L. Judson to draw the necessary plats." In company with these men and the necessary hands, Chauncey Swan, the acting commissioner, returned to Iowa City in the latter part of June, and on the 1st day of July began the work of laying out the town into streets, alleys, squares, blocks and lots.²

The surveys were well under way when all work was suspended in honor of a public celebration. It was the Fourth of July, 1839. The settlers of the neighborhood in conjunction with the town surveyors had planned what they were pleased to call "a good old-fashioned

¹ Thomas Cox represented Jackson County, and John Frierson represented Muscatine County in the First Legislative Assembly of Iowa.

² "It is a well known fact" says Mr. Swan in a report to the Assembly, "especially to surveyors, that this is a very unfavorable season of

celebration," to be held on the site of the future capitol. A tall young oak tree, which stood on the spot now occupied by the old capitol building, was stripped of its branches and to its top the national flag attached. Here for the first time the stars and stripes were unfurled to wave over the frontier capital. The day was a pleasant one. Pioneer settlers for miles around came together to enjoy this first crude social event. Many of them shook hands on this occasion for the first time. The regular dinner was prepared at an Indian trading house¹ about four miles down the Iowa River and brought to the celebration in a lumber wagon. Added to this regularly prepared meal were the baskets of provisions brought by the settlers. At the proper time this "picnic dinner" was served on wagon boxes, lifted from the very wagons which had brought the settlers and their families "to town." After dinner toasts were offered and responded to. The Declaration of Independence was read. John Frierson delivered the oration of the day.² While delivering this oration the speaker stood in a wagon which had been drawn into the shade to serve as a platform.

the year for surveying in the western country, in consequence of the luxuriant growth of vegetation, accompanied by the heavy dews that prevail at this season of the year, making it almost impossible to commence the labors of the day at anything like an early hour, without exposure to sickness and death. The consequence is that only about two-thirds of a day's labor can be performed in twenty-four hours." —Journal of the House of Rep. of 2nd Ass'y, Ter. of Iowa, 122.

¹ This trading post was known as "Gilbert's Trading House." The dinner was prepared by Jonathan Harris, who at that time was keeping tavern at the trading house.

² The orator is described by Cyrus Sanders as a tall, spare, raw-boned and hard-featured man, who stood up in a wagon with one foot elevated upon a barrel of Cincinnati whiskey and made a speech far surpassing in eloquence and ability the average productions on similar occasions.

After the celebration "the work of surveying the town was pushed forward energetically. The ground for the capitol square was selected first, the southeast corner being established as the initial starting point. From that point the west line of Clinton street was run north and south, and established as a meridian line. The survey was extended eastwardly and westwardly without ever having any definite base line established. The lines were run with an ordinary surveyor's compass, and measured with a pole twenty feet long, made of two strips cut from a board and nailed together. It was graduated to feet and inches by a carpenter's square, and afterwards each end was bound with a hoop of iron; and in measuring, tally pins about one-eighth of an inch in diameter were used, which added about three-sixteenths of an inch to every twenty feet."¹

The special survey of township seventy-nine,² ordered by the commissioner of the General Land Office at Washington, was so far completed before the survey of the town was finished, that the bounds of the town were closed on the government lines as established by the surveyor appointed to survey the said township. At the southeast corner of the section a monument of rough grey limestone was erected as a permanent landmark. It still stands on Summit street, a novel relic of the founding of Iowa City. Covered with the marks of an advertising dry-goods merchant it certainly reflects discredit upon the art sense of the present residents of Iowa City, who are content to allow such ruthless defacing of

¹ Cyrus Sanders in a brief sketch of the early history of Johnson County.

² John Frierson was appointed by the Surveyor General of Iowa and Wisconsin to make this survey.

historical landmarks. There are two inscriptions on this historic monument.

The inscription on the side facing the west reads:

IOWA CITY

The Capital of
Iowa Territory
as situated on
Section N^o 10.

Township 79 N. R.

6 W of the 5th Pr M

located

May 4th 1839

By Mess^{rs}

Chauncey Swan

John Ronalds

and

Robert Ralston

Comm^{rs} & Surveyed

By Mess^{rs}

Cox Frierson & Judson

under the direction of

C. Swan Actg Com

The inscription on the side facing the east reads:

M. VANBUREN

President of the U. S.

and

R. LUCAS

Gov. of the Territory

“It required over two thousand stakes to be used on the location and something like fifty hewed posts from six inches to one foot square, and from six to nine feet long for the corners of the town plat, the public square, and reservations. For boarding the surveyors and hands employed, I paid at the rate of four dollars per week. The amount paid for surveying, including all the expense of surveyor's hands, teams, setting of posts, and the necessary plats of the city is \$1,476.99.”¹

¹ Report of Acting Com., House Jour., 2nd Leg. Ass'y, Ia. Ter., page 122.

THE TOWN PLAT.

L. Judson's plan of Iowa City as drawn by him in 1839, and laid out by the surveyors, was appropriate for a capital city. The streets were run directly east and west, and north and south. A square of about twelve acres was laid out on the eminence near the west boundary of the town. This square commanded a view of the Iowa River on the west, and nearly the whole of the town on the east. It was designated "Capitol Square," being specially reserved as a site for the public buildings. The block upon which the Chemical Laboratory of the State University now stands was to be the city "Park." On the extreme eastern boundary of the section an out-lot, west of Governor street and lying between the Avenue and Washington street, was reserved as "Governor's Square." The present College-hill Park was designated on the map as "College Green." Three squares, each equal to the ordinary block, were reserved in different parts of the town as markets. "North Market" included the southeast quarter of block thirty-five, the southwest quarter of block thirty, the northwest quarter of block twenty-nine and the northeast quarter of block thirty-six. "Center Market" was the block now occupied by the city Grammar and High Schools. "South Market" included the block upon which the B. C. R. & N. R. R. depot now stands. The west half of block sixty was reserved for school purposes. Four reservations were made for churches. These reservations were located as follows: The south half of block fifty-one on Church street between Gilbert and Van Buren streets; the south half of block thirteen on Church street between Dodge and Lucas streets; the south half of block sixty-seven on Jefferson street

between Dubuque and Linn streets; and the north half of block sixty-six on the Avenue between Dubuque and Linn streets. The ground next to the Iowa River, being reserved for public purposes, was designated as the "Promenade." A narrow strip of ground bordering on the river and lying between Market and Davenport streets was marked "Lumber Yard."¹ The south half of block twenty was designated on the plat, "Mineral Springs." It was supposed that valuable mineral springs were located at this point.

According to the original plat there were twenty-three streets, one avenue and one promenade. The names of the streets running east and west were: (beginning on the north) Brown, Ronalds, Church, Fairchild, Davenport, Bloomington, Market, Jefferson, Iowa Avenue, Washington, College and Burlington. The names of those running north and south were: (beginning on the east) Governor, Lucas, Dodge, Johnson Van Buren, Gilbert, Linn, Dubuque, Clinton, Capitol, Madison and Front. It will be noticed that in the naming of the streets, there was a predominant tendency to use the names of men of note.

Iowa Avenue was one hundred and twenty feet wide; Washington, Jefferson, Clinton, Capitol and Madison streets were each one hundred feet, and all others were eighty feet. Alleys were twenty feet. The national road ran on a line with the Avenue directly west across the river. One hundred blocks, seven hundred and sixty-four lots, and thirty-one out-lots are marked on the plat. The blocks as laid off were three hundred and twenty feet square, and the regular lots eighty by one

¹ The Lumber Yard and Promenade were laid out into lots in 1843 by the Territorial Agent, John M. Coleman.

hundred and fifty feet. Beginning with the monument at the southeast corner, there was a row of out-lots laid out along the east boundary of the section. There were also similar rows of out-lots along the north and south boundaries.

THE FIRST INHABITANTS.

When the acting commissioner, Chauncey Swan, returned from Dubuque in the latter part of June, 1839, to direct the surveys of Iowa City there seem to have been at least three dwelling houses on the site. These were plain, ordinary claim cabins built of logs. One was located on the site of the present residence of Mrs. Sarah A. Myers, on Clinton street in block 21, and was occupied by Matthew Teneick and family.¹ Here the acting commissioner had his headquarters while conducting the surveys. The other two cabins were situated near what afterwards became the corner of Brown and Gilbert streets. These two cabins—one of which was built in February and the other in June—being only twenty feet apart and united under a common roof, were used as a tavern, the enclosed space between forming a large bar-room. The proprietors were George T. Andrews and Asaph Allen.

Soon after the location was made in May, Matthew Teneick began to prepare timber for a regular² dwelling house. This house was constructed of "good sized hewed logs," and stood on the corner of Iowa Avenue

¹ This was the first family to make a permanent location in Iowa City. Hannah Teneick was the first white child born in Iowa City.

² Regular dwelling house as distinguished from the temporary claim cabin.

and Dubuque street, or directly across the street south of Close Hall. It was finished before any of the town lots were offered for sale; but Mr. Teneick had no title to the ground on which it was built. Chauncey Swan, however, promised to use his influence in preventing any outsider from bidding on the lot. Accordingly when the lot was offered at the public sale, Chauncey Swan made a statement of the facts to the crowd, and Mr. Teneick was allowed without opposition to take the lot at the minimum valuation of three hundred dollars.¹

It is further recorded by Cyrus Sanders that, previous to the first sale of lots, Joseph Coe, who had erected a log house on the northwest corner of Clinton and Jefferson streets, and Walter Butler who had erected a frame for a hotel in block 80 on Clinton street (near the present location of Bloom's clothing house), were both permitted to bid in their lots at the minimum price fixed upon them. But Wesley Jones, who had erected a frame for a store² in block 84 on Washington street, and John Willison, who had dug a cellar on the northeast corner of Clinton and Jefferson streets with the expectation of getting their lots at the minimum price were disappointed, "as the bidders had come to the conclusion that the claim business, in western parlance, was about played out."

The most noteworthy building erected before the first sale of lots, was a temporary tavern which stood in block 61, near the corner of Linn and Washington streets. It was a small building and bore the appropriate name of

¹ During a visit to Iowa City in the autumn of 1839, Robert Lucas was entertained in this house. After having been occupied as a residence, tavern and boarding house for about twenty years, it took fire and burned down.

² This was the first frame building erected in Iowa City.

"Lean-back Hall." Erected hastily of poles, it had a rough board attachment which extended back some fifty or sixty feet for sleeping accommodations. Lean-back Hall was built in a few days, and contained a barroom, kitchen, dining hall and one lodging room. The lodging room, it is said, had but one bed; but this bed was large enough to accommodate thirty-six men. "This number reposed in it many a night, and no complaint was ever entered against it."¹

NOTE.—Early in the month of October occurred the death of Cordelia, the only daughter of Chauncey Swan. "Little Cordelia" was buried in the old cemetery and her little round tombstone still marks the first grave made in that cemetery.

THE FIRST SALES OF LOTS.

At the Fourth of July celebration² it was officially announced that there would be a public sale of lots on the 18th of August. The Governor's proclamation of the sale was published in eastern papers. Six hundred and thirty dollars were expended by the acting commissioner for eleven hundred lithographic maps of Iowa City. These maps were sold throughout the Territory at the rate of seventy-five cents for the ordinary sheet map and one dollar for the pocket map.³

During the early part of August the arrivals of strangers at the seat of government became more numerous; so that by the morning of the eighteenth it was a considerable crowd that gathered about Lean-back Hall. There were present several capitalists from the east, citizens from the eastern part of the Territory, and

¹ Frederick M. Irish in *Annals of Iowa*, January, 1869.

² See chapter II on "The Founding of Iowa City, page 26.

³ One of these pocket maps has been preserved in the State Historical Library.

settlers from the neighboring country. At the proper time "Mr. Dougherty, of Dubuque, who was employed as auctioneer, mounted a wagon and announced the terms of the sale.¹ The wagon then moved off, and the crowd followed on to a lot near where the North Presbyterian Church now stands, which was the first lot offered for sale, and was knocked off to John Trout, an employe of the American Fur Company, for \$100. They then moved on to the next lot offered, and so continued during the day, moving from lot to lot as sold, with occasional intermissions for refreshments at Lean-back Hall.²

This first public sale of lots continued for three days, during which time one hundred lots were sold, amounting to \$17,292.75. Of the one hundred lots thus sold, six were forfeited, which leaves the amount for which certificates were actually given, \$16,571.75. The lots previously selected to be offered at this sale were the alternate lots in the blocks in the vicinity of Capitol Square. The average price paid for these lots was about \$176.30; the lowest price paid was \$25.00; and the highest price was \$750.00.

At the second public sale of lots which was held on the 10th, 11th and 12th of October, one hundred and six lots were sold. This number includes the six lots that

¹ The purchaser was required to pay one-fourth down cash; the remainder in six, twelve and eighteen months; notes were required in every case, payable to the acting commissioner or his successor in office at Iowa City.

² From an unfinished history of Johnson County by Messrs. Felkner & Sanders. According to an abstract in the House Jour., Ia. Ter., 4th Leg. Ass'y, page 40, no sales were made on the 18th of August. But the information in the paragraph as given above is based on the statement of an eye witness and is perhaps correct, the abstract to the contrary notwithstanding.

had been forfeited¹ after the first sale, also three out-lots. Up to the 1st of November certificates² had been given for only eighty-four lots and three out-lots, amounting to the sum of \$10,168.00. The average price paid at this sale was \$115.72; the lowest price was \$20.00; and the highest price was \$606.00.

By the 1st of January, 1840, lots had been sold to the amount of \$34,397.75. But only \$14,648.53 of this amount had been paid down; for there remained in the office of the acting commissioner notes to the amount of \$19,749.22.

From the autumn of 1839, dates the existence of Iowa City as a distinct social entity. Men who bought lots at the public sales remained to fit them up for homes. A considerable number of dwellings were now put in process of erection. Some were simply log cabins; others were frame houses sided and roofed with clapboards hewed from the trunks of native trees. Occasionally sawed lumber was obtained from Felkner's and Meyer's mill on Rapid Creek. The little pine lumber that was used came by way of the Ohio and Mississippi rivers to Bloomington (now Muscatine), from which place it was hauled overland to Iowa City.

¹ On neglect or refusal to pay either installment the lot or lots became forfeited to the Territory and the purchaser lost all that he had paid.

² Certificates of purchase were given to purchasers in all cases, giving the number of the block, the number of the lot, and pledging the faith of the Territory for the execution of a deed in fee simple, so soon as the title shall be procured by the Territory from the General Government.

III.

THE BEGINNINGS OF MUNICIPAL LIFE.

GROWTH AND DEVELOPMENT.

The years 1840, 1841 and 1842 stand out preëminently as the most eventful period in the history of Iowa City. It was the spring-time, when the municipal germ planted in 1839 shot up, as it were, in a single night, unfolding and developing the organs of social and municipal life. It was the period of youthful vigor, of expansion—seemingly without limit. Back to these years are traced the beginnings of industry, education, courts, politics, and religion. And withal this was the period of enthusiasm, the time when men hoped most and planned most.

Fortunately the winter of 'thirty-nine and 'forty was a mild one, without storms. Around Capitol Square many buildings stood partially or wholly uncovered; others were in the first stages of erection. Day after day could be heard the ring of the ax and the crashing sound of falling trees. Men warmed themselves about brush-heap fires, and talked and rejoiced over the prospects of the future.

The one hundred inhabitants who were on the town site at the opening of the year 1840, witnessed, as the year advanced, their number double, treble, then double again. In the course of six months Iowa City had become the most popular point in Iowa. The name of the frontier capital was carried across the Mississippi

into Illinois, Indiana, Ohio and beyond the Alleghanies.

The growth of the town at this time was certainly a marvel. Its rapid increase and development were extraordinary, and up to that time are said to have been unparalleled in all the west.

John B. Newhall in his "Sketches of Iowa," published in 1841, says:¹ "The unprecedented growth of Iowa City from a wilderness frontier, beyond the pale of civilization, is indeed a wonder in the growth of towns. * * I have heard of cities springing into existence as if by magic, but in no case have I ever known the application to be so just as when applied to this young capital of Iowa. * * Up to the present time, being about fourteen months from the commencement of Iowa City, it contains a population of about 700 inhabitants, a spacious city hotel, three or four brick buildings and several others in progress, ten dry-goods, grocery and provision stores, one drug store, one saddlery, two blacksmiths, one gunsmith, three or four coffee houses, four lawyers, three physicians, one church, and one primary school—in short, presenting all the appearance, bustle and activity of a city of years, rather than a prodigy of months. Should the skeptical feel inclined to question the accuracy of this statement, I can assure them it has been the result of personal inspection. I counted, even in the middle of last May, the rising of one hundred buildings, and saw and heard the busy workmen engaged on half as many more. At that time, conversing with a gentleman from Pennsylvania, who came to the 'city' the week preceding and had a frame house covered and his goods in it, he said to me, 'Five days ago my house was in the woods, growing.'"

¹ "Sketches of Iowa," by John B. Newhall, of Burlington, page 125.

AN OLD FASHIONED ECONOMY.

It has become a familiar remark that the decades since the war are more unlike the decades preceding the war than those years are unlike the time of Elizabeth or the First George. The progress of the domestic freedom of trade since the close of the eighteenth century is not the less remarkable because it has been unobserved. The growth of faith in freedom, nourished by the mystic philosophy that spun itself about the theory of the social compact, and the introduction of rapid steam transportation and communication by telegraph, broke down forever the old system of restrictions that once hung upon every avenue of business life. Vestiges of the old system are found in the early history of Iowa City in the licenses which were then regarded necessary for the lawful pursuit of ordinary trades.

On the 7th of October, Edward Foster was granted a license to sell goods in Iowa City for one year at the rate of twenty dollars per annum. Mr. Foster's store was kept in a log cabin just north of Capitol Square. On the day after Mr. Foster was granted a license to sell goods, Asaph Allen and Walter Butler obtained licenses to "keep tavern"¹ for one year at the rate of

¹The following extract from a statute law of Michigan that was extended over the Territory of Wisconsin (Iowa was then a part of the Territory of Wisconsin) by the act of Congress organizing said Territory, is characteristic of the regulations at that time:

"Every tavern keeper shall, at all times be furnished with suitable provisions and accommodations for travellers, and shall keep in his house at least two spare beds for guests, with good and sufficient sheeting and covering for such beds respectively, and provide and keep good and sufficient stabling and provender of hay in winter, and hay and pasturage in summer, and grain for four horses or other cattle, for the accommodation of travellers. * * * * Every tavern keeper shall, within thirty days after obtaining his license, put up a proper sign, on

thirty dollars. Mr. Allen had, for at least three months previous to this time, been conducting a tavern;¹ but Mr. Butler opened his tavern about the time the license was issued. Butler's tavern, which was kept in a frame building erected especially for the purpose, was for several years the principal public place in Iowa City.

Robert McKee & Co. took out a license to keep a store for one year at the rate of eighteen dollars. Their store was located in a small log house which stood near the northwest corner of Clinton and Burlington streets (near where the Baptist church now stands). It is also recorded that about the middle of November Charles Drury took out a license to keep a general store at the same rate.

The first grocery was in a cabin on the east side of Dubuque street between College and Burlington streets, and was known as the "Buck Grocery." Above the door a pair of deer horns naively served as a sign—the proprietor's name was Henry Buck. That Mr. Buck's store was a grocery is certain. For, according to the 3rd section of "AN ACT regulating Grocery License," passed by the Legislative Assembly of the Territory of Iowa,² "a grocery shall be deemed to include any house or place where spirituous or vinous liquors are retailed by less quantities than one gallon," and it is known that spirituous liquors were thus sold at the "Buck Grocery."

MAIL FACILITIES.

The mail facilities, which up to this time had been meager and uncertain, were now made more adequate or adjacent to the front of his house, with his name thereon, and keep up such sign during the time he shall keep a tavern."

¹ See Chapter II on the "The Founding of Iowa City," page 32.

² Stat. Laws Ia. Ter., Sess. 1839-40 of Leg. Ass'y, page 27.

by the establishment of regular mail routes to the more important points in the Territory.¹ The Napoleon post-office, which had been established in March, 1839, was removed to Iowa City by Samuel H. McCrory and located in the store of Charles S. Foster, just north of Capitol Square, sometime during the same year. Chauncey Swan, who succeeded Mr. McCrory as postmaster, on the 14th of November, 1839, changed the name of the post-office from "Napoleon" to "Iowa City." Mr. Swan was succeeded in office by James M. Hawkins, September 2nd, 1841. On the 3rd of August, 1842, Samuel C. Trowbridge was appointed postmaster, which position he held for seven years.

PUBLIC ROADS.

Along with the increase in mail facilities there was a development of public means of travel. While the first emigrants of 'thirty-nine were compelled to follow rivers, streams and Indian paths, those who came later in the year were guided by the crooked wheel-tracks of ox wagons. In 1840 and 1841, regular public roads were laid out.

All the principal highways at that time were established by acts of the Legislative Assembly and were known as "territorial roads."² In 1841, four of these principal highways connected Iowa City with the outside

¹ F. M. Irish relates that the Iowa City mail was brought up from Bloomington (Muscatine) by any of the citizens having business there; and that he (Mr. Irish) had often brought out the mail in the crown of his hat or tied up in a pocket handkerchief.—See *Annals of Iowa*, April, 1868; page 109.

² The "territorial road," with perhaps the exception of important bridges, was improved at the expense of the inhabitants of the county or township through which it passed.

world, namely: One running from Iowa City through Muscatine County to Bloomington (Muscatine); one running from Iowa City through Louisa and Des Moines Counties to Burlington; one running from Iowa City through Cedar, Clinton, Jackson and Dubuque Counties to Dubuque; and one running from Iowa City south to Mt. Pleasant in Henry County. Indeed, Iowa City was at that time the converging point of all the important territorial roads.

One of the most popular roads in the Territory was a "military road" established by Congress between Iowa City and Dubuque. Twenty thousand dollars was appropriated by Congress for the improvement of this road.¹

But previous to the establishment of either territorial or military roads there existed between Iowa City and Dubuque a public highway that was characteristically pioneer. Strangers in crossing the prairie found it difficult to keep the direct course and often wandered far out of their way. This was especially true of travelers between Iowa City and Dubuque. The citizens of Iowa City desiring to remedy this difficulty employed one, Lyman Dillon, to plow a furrow between the two towns in as direct a line as practicable. Early one morning Mr. Dillon, accompanied by a driver, started from Iowa City with a large breaking plow drawn by five yoke of oxen. When he reached Dubuque he had made a furrow one hundred miles long. "Dillon's furrow" was an efficient guide to the traveler, and soon a well beaten road was made by its side.

FERRIES.

The settlers west of the Iowa River reached the town

¹ The Langworthy Bros., of Dubuque, had the contract to lay out the greater part of this military road.

by crossing the river in canoes and on what may be termed "flatboat ferries." Benjamin Miller started the first regular ferry across the Iowa River in the winter of 1838-39. This ferry which crossed in the vicinity of the present location of the B., C. R. & N. R. R. bridge was subsequently managed by F. A. A. Cobbs.

On the 6th of March, 1840, Messrs. Sturgis and Douglass were granted a license to keep a ferry across the Iowa River; and on the same day Andrew D. Stephen was granted a license to keep a ferry at the point where the "National Road"¹ crossed the river. But Mr. Stephen having neglected to establish a ferry in due time, his license was revoked on the 13th of October, 1840, and a new license granted to John D. Able.² Mr. Able established his ferry where the upper wagon bridge now crosses the river; and this was the first regular ferry to cross the Iowa River at Iowa City.³ On the 11th of September, 1841, Mr. Able transferred, along with a claim on the west bank of the river, the "ferry, Boat. Rope Canoe, & so forth belonging to and heretofore used at said ferry"⁴ to Pleasant Arthur. About a month after the transfer Mr. Arthur had the license renewed.⁵

¹ According to a map of Iowa City published in 1839, the "National Road" crossed the Iowa River on a line with Iowa Avenue.

² The license fee in both cases was \$15.00.

³ The toll rates established by the county were as follows:

Footman	6¼ cts.= "fip" = "fippenny-bit" = "picayune."
Man and horse	12½ " = "bit" = "levy" = "levenpence."
One horse and wagon (or carriage)	25 cts.
Two horses, or oxen, and wagon	37½ "
Each additional horse or yoke of oxen	6¼ "
Each head of neat cattle in droves	6¼ "
Sheep and hogs per head	3 "

⁴ From original MS. records of the Claim Association of Johnson County.

⁵ Mr. Arthur's license fee was \$25.00.

COMMERCE.

In the early years of Iowa City, water courses were still the great channels of traffic. But, as has already been observed, the location of Iowa City commanded no commercial point of advantage. The traffic of Iowa City, therefore, was mostly overland; and before railroads had become the common carrier, this was slow and expensive transportation. Articles of produce and merchandise were hauled overland in ox-wagons* to and from the Mississippi river.

Dry-goods and the like were purchased in New York, Boston and other eastern cities and shipped by way of the Ohio and Mississippi Rivers, or by way of the Gulf of Mexico and the Mississippi, to Bloomington (Muscatine), Burlington and Dubuque. Groceries were purchased almost exclusively in St. Louis; for at that time St. Louis was to the West what Chicago is to the Northwest to-day.

Produce, which consisted mostly of corn, wheat, pork and lard, was sent in part to the Mississippi towns for exportation. But in the transportation of produce the Iowa River—a considerable body of water, especially in the spring months—was utilized to a great extent. Loaded on flatboats or keel-boats, corn, wheat and pork were floated down the Iowa River to the Mississippi, and thence on the same boats to St. Louis, where both the produce and the boats were disposed of.

Moreover, the inhabitants of Iowa City believed that the Iowa River could be made a navigable water course and that Mississippi steamers would some day carry on a direct commerce with the town. This belief was greatly strengthened by an event which occurred on the 20th of June, 1840.

On the evening of that day, which was Sunday, the inhabitants were startled by the puffing of a steamboat. In a few minutes the entire population of the town turned out and rushed down to the ferry landing to welcome with hearty cheers the arrival of what proved to be the steamboat "Ripple." The next morning the citizens held a mass meeting at the city hotel. At this meeting resolutions were passed providing for a grand public dinner to be held in commemoration of the event and appointing committees to investigate the matter of improving the Iowa River and making it navigable.

The editor of the *Iowa City Standard* declared that "The comparatively low stage of water will effectually silence any sneers that may be thrown out concerning high water navigation, etc., and we now have the fact proved, beyond the possibility of a doubt, that the Iowa River is navigable beyond this place for seven months in the year. This arrival has effectually changed the relation in which we formerly stood to the other towns in this Territory. We are now no longer dependent upon the towns on the Mississippi for our imports — nor are we subjected to the labor and expense of drawing across the country all articles brought from abroad. We have now a situation in many respects superior to any in the Territory."¹

In a speech at the public dinner Major John B. Newhall said: "From this day forward the practicability of navigating the Iowa River remains no longer the subject of conjecture. From this day henceforth, a new era will commence in the destinies of your city. The most skeptical must believe; for here is the evidence before you — yes, gentlemen, ere another month shall elapse

¹ *Iowa City Standard*, Vol. I, No. 31.

the performance of the gallant little "Ripple" shall be emblazoned to the world in letters of living light."¹

But all this was gross exaggeration, and the hope in the navigability of the Iowa River never was realized.² In 1847 and 1848, the General Assembly considered the question of slack-water navigation on the Iowa River and addressed a memorial to Congress on the subject; but before any effectual movement could be inaugurated railroads had robbed the water of its former superiority as a means of internal commerce.

MINING.

A discovery of what was supposed to be lead ore in the month of April, 1842, created considerable excitement in Iowa City at the time. The discovery was made by Jesse McCart, who it is said, "found, nine miles above the city, on the banks of the Iowa River, a *load* of lead by digging fourteen feet below the surface."

Of this discovery the editor of the *Iowa City Standard* says: "Nothing better could have happened to make this section of the country and especially Iowa City, a perfect Eldorado, than the discovery which has been made in Johnson County. It has, ever since the settlement of this county, been believed, that it abounded with immense mineral of various kinds. Several townships of land west of Iowa City, we are told, were returned to the General Land Office as mineral lands. This must form a new era in the history and existence of Iowa City."³

¹ *Iowa City Standard*, Vol. I, No. 31.

² In 1842 the steamer "Rock River" arrived at Iowa City; and in 1844 the steamer "Emma" got as far as the capital. But these arrivals were of little consequence.

³ *Iowa City Standard*, Vol. II, No. 19.

Mining, however, as in the case of the first steamboat arrival, was simply an exciting incident instead of an epoch-making event.

THE COMMON INDUSTRIES.

The ordinary trades, such as those of the carpenter, the smith and the mason, were introduced and flourished during the first year of the town's existence. At one time there was a turning-lathe on Ralston Creek. For a number of years Mr. Gaymon managed a chair factory. John A. Copenhafer also established a chair factory. This latter factory was located on Ralston Creek, opposite the present site of the oil mill. Here marble-headed canes were manufactured, the marble used being none other than the bird's-eye marble from the Iowa City quarries.

The making of brick was also begun at an early day. In this occupation Sylvanus Johnson was the pioneer. He operated a brick-yard in the year 1840, and on the 15th day of April of that year moulded with his own hands the first brick ever made in Johnson County. From his kiln Mr. Bostwick obtained the material for the first brick building erected in Iowa City. The walls of this building were laid in 1840 by George T. Andrews.

The transportation of produce down the Iowa River on flatboats created a lively business in building of boats.

THE IOWA CITY MANUFACTURING COMPANY.

The distinguishing characteristic of Iowa City was political, and not industrial. The industrial organizations of the town were, therefore, ordinary and commonplace. Yet to this general rule there was one noteworthy exception — the "Iowa City Manufacturing Company."

It was on the evening of the 13th day of April, 1843, that a few citizens assembled at the office of the territorial agent, John M. Coleman, for the purpose of taking steps in reference to a burying ground that had been donated by the Territory. The business for which they were called together was duly arranged, and the meeting adjourned. But immediately after the adjournment was announced, Mr. Coleman arose and requested the citizens to remain, saying that he desired to make a suggestion. The citizens again took their seats. Mr. Coleman then brought forward his suggestion, which was to the effect that the citizens of Iowa City make an effort *to utilize the water power of the Iowa River*. The suggestion was favorably entertained by those present, and it was resolved to hold a meeting at the "American Hotel" for a more thorough consideration of the matter, within a few days. Mr. Coleman's proposition now met with enthusiastic support on every hand. The result was that on the 17th the "Iowa City Manufacturing Company" was organized and articles of association adopted.¹

Chauncey Swan was elected President of the company. Other men who prominently interested themselves in this new enterprise were: A. E. McArthur, Silas Foster, M. M. Montgomery, Thomas Snyder and David Switzer.

The management having been vested in a board of directors, it was resolved to commence operations just as soon as capital stock to the amount of \$5,000 had been taken. This amount was soon subscribed, and the erection of a dam was begun on the 18th of June, under the direction of A. B. Newcomb. By the middle of

¹ *Iowa Capital Reporter*, Vol. II, No. 20.

August the capital stock had swelled to \$10,000, and at the dam thirty hands were employed in hewing and digging.¹ During the fall months the work was pushed forward with wonderful vigor. At the same time a gristmill was in the process of erection. By the 1st day of January, 1844, the dam and mill were so far completed that the officers and workmen, who surrounded the table at a rudimentary boarding house near by, were served with "corn dodgers" and mush made of meal ground that day by the water power of the Iowa River.

The location of the mill and dam was about two miles northwest of Iowa City at a point now known as Coralville. This site was donated to the company by Walter Butler, with, however, the reservation by him of the right of erecting a mill on the west bank of the river and of using water from the company's mill sufficient to run a saw mill with one saw. The Iowa River throughout its entire course afforded no better site; here the bed of the river was of solid rock with a beautiful fall below.

The dam when completed was perhaps the finest structure of its kind west of the Mississippi River. It was ten feet high, and with an ordinary stage of water contributed hydraulic force equal to seven hundred and eighty horse power.

Yet after all, it was not the erection of a great dam and the building of a gristmill, that gives the Iowa City Manufacturing Company a truly great significance in the history of Iowa City. This significance is found in the company's industrial system. As the Claim Association of Johnson County was operated on modern socialistic principles, so the Iowa City Manufacturing Company founded an industry on the principles of the modern coöperative labor system. Many of the stockholders

¹ *Iowa City Standard*, Vol. III, No. 32.

instead of paying for their shares in money—which to be sure they did not have—paid for them in the labor of their own hands; while some few, merchants, paid for their shares in goods and provisions. A rare spectacle it must have been to see the stockholders with their own picks, spades and axes, digging, shoveling and hewing, and wading deep in the Iowa River; while merchants, who had taken shares, contributed groceries and provisions for their support. So thoroughly was the system carried out that upon the completion of the dam, it is said, the books of the company showed a total expense of but *twenty-five dollars* in money.¹

On the 5th of November, 1845, the mill and dam passed from the control of the Iowa City Manufacturing Company into the hands of Newcomb & Harris. But the immense power afforded by the dam was never efficiently utilized until after 1848, when the improvements were purchased by Ezekiel Clark. By the year 1850, Mr. Clark had put in a large and well equipped plant. The flouring mill was then “driven day and night, and furnished the greater portion of the flour for the inhabitants of the northwestern part of our State. It was no unusual sight to see fifty and sixty wagons ranged at this mill at one time, some of them from as far north as Woodbury County, and from all the intermediate settlements and from southern Minnesota.”²

NOTE.—Besides the mills at Coralville, there is another historic Iowa City mill. It is located about a half mile north of town, and is known as “Terrill’s Mill.” The dam for this mill was erected in the autumn of ’forty-three by Walter Terrill; the mill itself was built during the following year.

¹ *Annals of Iowa*, April, 1869, page 193.

² In 1855 Hon. Samuel J. Kirkwood bought an interest in these mills. And it was from this industry that he was afterwards called to become Iowa’s greatest Governor and most honored citizen.

LOCAL POLITICS.

In early times Iowa City was an enthusiastic Whig town. Every one was interested in politics, for the "machine" and "ring" were then unknown. Men, however, did not seem to be so broad in their political views as they were later on. This narrowness was strikingly reflected in the editorials of the press, which were often insulting and scurrilous.

Being a Whig town the victory of William Henry Harrison was commemorated by an "Illumination." "The hearts of the people," it is said, "were given over to utter joyousness. Almost every habitation was resplendent with light. The square, the park, the avenue, indeed the whole city was one grand mass of embodied light from nine o'clock until about midnight. Men became boys and played their antics over again. Every moveable thing became a sleigh and every locomotive was put in requisition to give them impetus. The United States flag with her stars and stripes added beauty to the scene."¹

Iowa City remained a stronghold of the Whigs until 1845, when in August the Democrats carried an election by a small majority.

THE COUNTY SEAT.

The importance of the average American town is generally determined by its official relation to the state and county in which it is located. In these relations, Iowa City was doubly favored. As capital it was the first town in Iowa; and as seat of justice it became the center of Johnson County.

¹ *Iowa Standard*, Vol. I, No. 10.

Created by an act of the Legislative Assembly of Wisconsin, passed at the winter session of 1837-38, held at Burlington, Johnson County was temporarily attached to Cedar County. But the few inhabitants soon petitioned for a separate organization. There being at that time two rival communities in the county, the "Harris Community" and the "Gilbert Community," the former desired the location of the seat of justice to be made at the *proposed* town Osceola, while the latter maintained the superior importance of the *proposed* town Napoleon. The question was finally settled by an act of the Wisconsin Assembly, approved June 22nd, 1838. This act provided for the separate organization of the County of Johnson with the seat of justice at Napoleon. Situated on the left bank of the Iowa River about one and a half miles below Iowa City, the town of Napoleon never consisted of more than two houses. Yet in that place Johnson County had its official beginnings. There the District Court of the United States sat to hear a case of frontier horse-stealing.

On the 7th of October the court of county commissioners assembled at Napoleon for the last time; for that day the court "adjourned to meet to-morrow morning at eight o'clock at the house of F. M. Irish in Iowa City." Pursuant to adjournment, the court met with Henry Felkner, Robert Walker and Philip Clark present. From this time on it is very probable that Iowa City was in reality the official town of the county; for, having been created the capital of Iowa Territory in the preceding month of May, it was now the universal opinion that the county seat should be near the seat of government. In December, 1839, the re-location of the

seat of justice of Johnson County was authorized by the Legislative Assembly.¹

Having met on the 27th day of January, the commissioners, upon the motion of Henry Felkner, repaired to view the several quarter-sections of land adjoining the seat of government. After due examination they decided upon the northwest quarter of section fifteen for the future seat of justice. Philip Clark was then authorized by the commissioners to repair to Dubuque and enter the quarter-section for county purposes. Furthermore, it was "Ordered that a memorial be forwarded to Congress, directed to the care of W. W. Chapman, requesting Congress to pass a law authorizing the aforesaid board to locate upon the aforesaid quarter-section of land for county purposes." In compliance with this request, Congress in an act approved August 1st, 1842, granted the right of preëmption at the minimum price for the fractional northwest quarter, east of the river, of section fifteen, containing one hundred and seventeen acres and sixty-four one hundredths of an acre, more or less, on the terms and conditions of an act passed May 26th, 1824, relating to county seats. In the meantime the commissioners had made satisfactory arrangements with Andrew D. Stephen the claimant of the land. (See Chapter I on "Early Land Claims.")

On the 9th of November, 1841, the board ordered the new county seat to be laid out as follows: "Twenty-four blocks to be surveyed off the north side at present, each block to be three hundred and twenty feet square, including alleys, the north and south streets to correspond with the streets which run north and south in Iowa City; and the streets running east and west to be eighty feet wide,

¹ Stat. Laws, Ia. Ter., Sess. 1839-40 of Leg. Ass'y, page 25.

each block to be divided into eight lots, and alleys to be twenty feet wide." The first sale of lots was held on the 24th and 25th of May, 1841; lots were sold to the amount of \$2,903.50. With this considerable sum it was resolved to begin the erection of necessary county buildings—jail and courthouse.

Experience led the county to erect the jail first. Jesse Berry and James Herron drafted the plans, according to which a small brick building was erected by James Trimble on the corner of Clinton and Prentiss streets. But this building, though better than an ordinary frame house, was not always efficient for jail purposes; in August, 1843, two prisoners broke through its walls and escaped. Again in 1852 another criminal broke jail and fled. In 1864, the "old jail" was sold to C. H. Berryhill for the sum of sixty dollars.

On the 8th of April, 1842, F. H. Lee, the agent for the County of Johnson, was instructed and authorized to receive proposals for the erection of a temporary courthouse. The building was to be twenty-eight by fifty-six feet, two stories high, and constructed of brick. And during the next few years such a courthouse was erected on block 8, lot 8, in the county seat. Previous to the completion of these two county buildings the county had rented different rooms and buildings in Iowa City for court and jail purposes.

EARLY JUSTICE.

The first District Court in Iowa City (the second one in the county) met on the 9th, 10th and 11th of September, 1839. The cases brought before the court at this session were for the most part cases relating to the violation of the law regulating the sale of liquors to

Indians.¹ At this session the following men were impanelled and sworn in as grand jurors:

ANDREW D. STEPHEN.	ALONZO C. DENNISON.
I. P. HAMILTON.	ISAAC BOWEN.
WM. STURGIS.	HENRY FELKNER.
JOHN HAWKINS.	S. B. MULHOLLAND.
FRED. DYSINGER.	WM. KELSO.
ABNER WOLCOTT.	JESSE MCCART.
EBENEZER DOUGLASS.	WM. M. HARRIS.
ROBERT WALKER.	SAM'L H. MCCRORY.

It must be remembered, however, that in frontier settlements law and justice were not administered by the courts alone. Criminals were not unfrequently punished other than by "due process of law." Cases involving real estate difficulties were generally settled by the "claim court." (See chapter I on "Early Land Claims.") While other offenses against the community or individuals of the community were often dealt with by the "vigilance committee" or the "mob."

And in the frontier settlements of the West the people were justified in taking the law into their own hands; for in the absence of courts and local government the vigilance committee was often absolutely necessary to the proper administration of justice.

To this pioneer method of administering justice, Iowa City was no exception. In one instance a prisoner was taken from the officers and whipped and choked till he confessed his crime; in another, the obnoxious citizen was drowned in the Iowa River.² In July, 1844, the

¹ For the law regulating the sale of liquors to the Indians see Stat. Laws, Ia. Ter., 1st Sess. of Leg. Ass'y, page 274.

² I refer to the drowning of Boyd Wilkinson in the Iowa River in 1858.

“vigilance committee” as chosen in Iowa City consisted of the following persons:¹

WM. B. SNYDER.	WM. McCORMICK.
H. DOWNER.	G. T. ANDREWS.
E. T. LOCK.	S. WILLIAMS.
A. J. LUCAS.	L. D. GOBIN.
ED. EATMAN.	N. A. WHITE.
CHAS. CARTWRIGHT.	G. W. HAWKINS.
THOS. CAHILL.	D. CALHOUN.
JOHN PARROTT.	JOHN MATTHEWS.
I. N. SANDERS.	A. JONES.
JAS. ROBINSON.	WM. SHELADAY.

¹ See *Iowa Standard*, Vol. IV, No. 29.

IV.

THE TERRITORIAL CAPITAL.

COMING OF THE ASSEMBLY.

Iowa City did not become the capital of Iowa *in fact* until the 6th day of December, 1841. In the meantime Burlington remained the temporary seat of government. It was explicitly stated in the founding act of Iowa City,¹ that the Legislative Assembly should meet at Burlington for three years, until by proclamation of the Governor the Public Buildings at Iowa City were declared ready for its reception. But at the end of two years it had already become quite evident that the Capitol would not be in condition to receive the Legislative Assembly at the time contemplated in the above mentioned act. In view of this fact, an act passed in January, 1841, fixing the time for the meeting of the next Legislative Assembly as the first Monday in December, 1841, contained the special provision that if the Public Buildings at Iowa City were not in condition to receive the Legislative Assembly at that time *the Assembly would still meet in Iowa City in case other and sufficient buildings shall be furnished, rent free.* The citizens of Iowa City were not slow in informing the Assembly that "other and sufficient buildings" would be provided for their accommodation.

The whole town was now filled with enthusiasm.

¹ See Chapter III on "The Founding of Iowa City," page 18.

That one thing for which many of the inhabitants had crossed the prairie and endured the privations of pioneer life was about to be located in their midst. During the summer, Walter Butler—the most public-spirited of all his townsmen—erected a building for the accommodation of the coming Legislative Assembly.¹

Butler's Capitol was a two-story frame structure, and was located on Washington street in block 80, just east of what is now Whetstone's drug store. Its dimensions were sixty by thirty feet.

And in this plain unattractive building the Legislative Assembly of Iowa first met in Iowa City on the 6th day of December, 1841. It was a cold day, made disagreeable by wind and rain and sleet. The Council, with nine members present, met in the second story and was called to order by the secretary, B. F. Wallace. Promptly at twelve o'clock M., Joseph T. Fales called the House to order in the rooms below. At this first meeting of the Representatives at Iowa City seventeen counties were represented, namely: Lee, Van Buren, Des Moines, Henry, Louisa, Washington, Muscatine, Johnson, Cedar, Jones, Linn, Scott, Clinton, Dubuque, Clayton, Delaware and Jackson. The session was opened with prayer by the Rev. Mr. Hummer. Only one session of the Legislative Assembly was held in Butler's Capitol; for by December, 1842, the Capitol on Capitol Square was so far completed as to accommodate the Legislative Assembly as well as the territorial officers.

¹ "Walter Butler agreed to put up a building if a certain number of citizens would obligate themselves to pay him the difference between the cost of the building and the price it would command when no longer required for use by the Legislative Assembly. But for some cause the pledges were never fulfilled, and Walter Butler sustained a great loss thereby."—F. M. Irish in *Annals of Iowa*, July, 1868, page 192.

ERECTION OF THE CAPITOL.

The historical importance of the first regular Capitol of Iowa justifies a detailed description of its erection. For to-day it is the most significant monument of the early history of Iowa. The story of its erection, its financial history, the legislative, judicial and educational memories that cluster around its walls, lend it a reverential distinction unparalleled by any other public building ever erected in the State. Begun in 1839, the building of the Capitol extends over the long period of fifteen years.

Immediately after his return from Dubuque in the latter part of June, 1839, Chauncey Swan, the Acting Commissioner, having procured tools and assistance, began opening up a quarry on the left bank of the Iowa River about six blocks north of Capitol Square. From this quarry rock was afterwards obtained for the foundations and a portion of the walls of the Capitol. Early in July a site was cleared, and in September men were employed to prepare the ground for the foundations. The turf and dirt removed at this time were deposited in Iowa Avenue on the east side of Capitol Square.

In the meantime the commissioners had adopted plans for the Capitol. John F. Rague was the architect; although it is said that the Rev. Samuel Mazzuchielli, a Catholic priest at Dubuque, was the original designer of the building.¹

The following is a fair description of the Capitol as originally planned by the architect and afterwards erected by the Territory: Being located in the center of Capitol Square, "it is one hundred and twenty feet

¹*Iowa Historical Record*, Vol. IV, page 102.

long north and south, and sixty feet east and west. It is to be ornamented by magnificent porticos, one on each side, supported by four massive pillars six feet and ten inches in advance of the walls of the building. The base of each portico is forty feet long and including the steps extends twenty-two feet and seven inches in advance of the walls. The exterior of the building is thus described: From the window sills of the basement, which will be level with the pavements, to the water table, the face of the walls is made of large blocks of cut stone. The water table, which is five feet one inch from the ground, is composed of forty-eight blocks, sixteen inches thick, from seven to nine feet long, said to weigh from six to eight thousand pounds each after they were dressed. These blocks form for the heavy basement walls, a kind of coping; from the outside of which the walls of the upper story make an offset of sixteen inches, leaving the water table for that width exposed to view entirely around the building, which adds much to the beauty and apparent strength of the work. On each of the fronts there are eight pilasters, three feet and ten inches wide, and projecting twelve inches from the face of the walls; these are to be surmounted by cut stone caps supporting the architrave, thus giving to the building the appearance of being studded by pillars. [At the suggestion of the investigating committee the pilasters were dressed in the same manner as the doors, water table, jambs, etc.] It is the intention to use rough-cast or hard-finish on the whole building except where the dressed work may appear. The cornice if made to the plan will be highly ornamental.¹ * * * The roof is to be surmounted by a cupola, which * * *

¹ The cornice was not made highly ornamental.

will be ornamental but expensive. The base of the cupola is an octagon, supported by the interior vestibule walls. Upon this base stand eight corinthian columns crowned with handsome capitals supporting a spherical roof. Within the circle of the columns the space is enclosed by eight long windows placed also in an octagonal form by which light is communicated to the stairway descending in the middle of the building through the successive stories. As constructed the light is shut out from the main stairway which leads to the halls of the Assembly in the second story. The interior arrangement is as follows: The basement story is entered by two doors in the opposite ends, both opening into a hall seven feet wide, which runs directly through the building north and south, dividing it into two equal parts. There are four rooms on each side about twenty feet square, designed for committee rooms. There is also a large and convenient wood room, and a fire-proof vault, arched with brick, and covered with grouted masonry more than three feet thick, for the safety of public documents. On the next floor there is the same division north and south, and a broad hall or vestibule east and west entered from the porticos on each side of the building. North of the vestibule, east side, is a room forty-two by twenty-one and a half feet, designed for the Supreme Court: a corresponding room of the same size on the south of the vestibule, is designed for the use of the Secretary of the Territory. West of the north and south hall are four rooms, equal in size, designed for the use of the Governor, Auditor, Treasurer, and the Library. On the upper floor the north and south hall is omitted. In the south wing is the Representatives Hall, fifty-two feet and six inches by forty-two feet in

the clear. In the north wing are the Council Chamber and three small committee rooms, cut off from the west side of it.”¹

Proposals for the above described building having been published in the *Iowa News*,² at Dubuque, the contract for its erection was finally let to Rague & Co.³ Early in the spring of 1840, Skeen and McDonald, contractors for Rague & Co., began operations on the Capitol with a large force of hands. The work was prosecuted so vigorously that by the 4th of July the contractors were ready to lay the corner stone; accordingly preparations were made for the laying of the corner stone of the Capitol on the national holiday.

Elaborate arrangements were made for this imposing ceremony. Governor Lucas came up from Burlington to deliver the oration. A great public dinner or barbecue was held in the city park, followed by toasts and speeches. And all the while the booming of guns was accompanied by the cheers of pioneers, shouting for “liberty” and “freedom,” for “Iowa” and her “Capitol.”

About this time Skeen and McDonald, having received \$10,000 for the work already done, quit their contract, leaving matters in a somewhat embarrassing condition. The erection of the Capitol, however, was continued under the personal direction of Chauncey Swan. But

¹ Taken from the report of the investigating committee appointed by the Assembly in December, 1840.— See House Jour., 3rd Leg. Ass’y, Ia. Ter., page 190. The description as it appears in the report was found not only to be incomplete but inaccurate as regards the measurements. I have therefore taken liberties with the quotation and changed it in many places.

² For advertising the proposals \$91.00 was paid to the *Iowa News*.— House Jour., 2nd Leg. Ass’y, Ia. Ter., page 123.

³ This same company had just erected the state-house at Springfield, Illinois.

the work now progressed slowly. Rock for the water table was transported overland twenty miles from Cedar County. By the close of the year the inside walls of the building were raised to the second floor, the outside walls of the north end to the top of the second tier of windows, the east front to the center of the second tier of windows, and the south end and west front nearly to the bottom of the same. In this condition the walls were covered for the winter.

Doubts as to the ability of Chauncey Swan and a vague suspicion that accounts on the Public Buildings were not quite accurate led to the appointment of a committee by the Assembly to investigate affairs at Iowa City. This was in December, 1840. The committee proceeded to the capital, where they were cordially welcomed by the townsmen and invited to a public dinner. After examining the plans, material and workmanship of the Capitol, the committee thoroughly inspected all papers and accounts found in the office of the Acting Commissioner, the condition of all of which was embodied in a detailed report to the Assembly. This report, while it revealed the fact that some papers and accounts were not made out in the most business-like manner, contains no charges of corruption.

All this, however, led to a change in the management of affairs at Iowa City. An act passed in January, 1841¹ created two new offices, namely: the office of "Superintendent of Public Buildings" and the office of "Territorial Agent." The duties which had heretofore belonged to the Acting Commissioner were now divided between these two offices, the Superintendent of Public Buildings having charge of the erection of the Capitol and the

¹ Stat. Laws, Ia. Ter., Session 1840-41 of Leg. Ass'y, page 37.

Territorial Agent, acting as secretary and treasurer, having charge of the sales of lots. For the year 1841, Chauncey Swan was appointed Superintendent of Public Buildings, and Jesse Williams, Territorial Agent.

Agreeable to the directions of the Assembly, the Superintendent of Public Buildings now "proceeded with a vigorous prosecution of the work" on the Capitol. During the months of March and April a competent number of hands were employed and set to work. Yet it was impossible to put the Capitol in readiness to accommodate the Legislative Assembly in December. The condition of the building at that time was described as follows: "The walls of the Capitol on the east front are raised to the bottom of the cornice, being thirty-five feet from the ground. The walls of the west front and the ends of the building, are thirty feet from the ground. The east portico has also been raised this season."¹

For the year 1842, Wm. B. Snyder was appointed Superintendent of Public Buildings, and John M. Coleman, Territorial Agent, both thoroughly efficient and competent men. Thinking that the rock that was being used in the Capitol was of an inferior quality, Mr. Snyder, after some preliminary examination, discovered a very promising bed of rock about ten miles northwest of Iowa City, on the right bank of the Iowa River.² This quarry—known from that time on as the "Old Capitol Quarry"—was opened, and boats were prepared for the transportation of rock down the river. On the 1st day of April the cutting of this new stone was begun at the Capitol. Much of the rock already laid in the

¹ Report of Territorial Agent, House Jour., 4th Leg. Ass'y, Ia. Ter., page 53.

² Report of Sup. Pub. Buildings.—House Jour. 5th Leg. Ass'y, Ia. Ter., page 32.

walls was replaced by the superior material from the new quarry. During this season the roof was raised and covered with "Alleghany shingles" purchased in Cincinnati.¹ The Capitol was in this condition when on the first Monday in December, 1842, the furniture having been removed from Butler's Capitol, the fifth Legislative Assembly of the Territory of Iowa met within its walls.

With an unfinished interior, semi-erected porticos and no cupola—thus the Capitol remained for a number of years. After Iowa had become a State, appropriations were made from time to time for its completion. But to this day the first Capitol of Iowa stands unfinished, the portico on the west front being entirely wanting.

FINANCIAL HISTORY OF THE CAPITOL.

The financial history of the Capitol, which to be properly understood must be separately considered, is truly significant. It explains the difficulties under which Iowa's first Capitol was erected, the long delayed completion of that Capitol, the interference on the part of the Territory with the price of Iowa City real estate, and the money famine that existed in Iowa City from 1841 to 1844. Furthermore, it illustrates admirably the law that bad money tends to drive out good money,² the parsimony of the early Legislative Assemblies, state opposition to corporations, and that tendency to over legislation characteristic of new commonwealths.

¹ The bill for these shingles was not paid until the Cincinnati property of William B. Snyder, the Superintendent of Public Buildings, was about to be seized, when the Legislative Assembly came to his relief and paid the full amount.—Stat. Laws, Ia. Ter., Session 1845 of Leg. Ass'y, page 97.

² I refer to "Gresham's Law."

In the first place, Congress donated to the Territory of Iowa \$20,000 for public buildings,¹ and a section of land on which to erect said buildings. This was certainly not a large donation; but from the outset it was the fixed policy of the Territory to erect its Capitol out of the funds created by the \$20,000 of cash and the proceeds of the lots laid out on the section of land selected as the site for the capital. It was the persistence on the part of the Territory in carrying out this policy that led to the financial difficulties involved in the erection of the Capitol, to its long delayed completion, and finally to the disgrace of the faith of the Territory.

No sooner was it discovered after the sales of 'thirty-nine, that the proceeds of the lots at the seat of government would not meet the immediate expenses of erecting the Capitol, than the Territory, ignoring the laws of supply and demand, appeared as a "bull" in the market and attempted to raise the price of Iowa City real estate. This was to be accomplished by means of legislative enactments fixing the average minimum price of the lots in Iowa City. The first legislation was exceedingly bold. By an act approved on the 24th of June, 1840,² the Assembly directed a valuation of the lots to be made that would not reduce the total valuation below the average sum of \$300 per lot, notwithstanding the fact that the average price paid for lots the preceding season was only \$146. But the interference on the part of the Territory to raise the price of lots met with no success. For in less than seven months after the approval of the act of June 24th, the Assembly ordered the average minimum valuation per lot reduced from \$300 to \$200.³

¹ U. S. Stat. at Large, Vol. V, page 239.

² Stat. Laws, Ia. Ter., Extra Session, 1840, of Leg. Ass'y, page 5.

³ Stat. Laws, Ia. Ter., Session 1840-41 of Leg. Ass'y, page 60.

Again in February, 1842, the Territorial Agent was directed to reduce the average minimum price of the unsold lots, and of any and all lots which had become forfeited, fifty per cent. below the prices fixed thereon by the last valuation.¹ In 1843 the average minimum price was reduced to \$80 per lot.²

Even after these sweeping reductions lots could hardly be sold at any price. In 1845, Morgan Reno, the Territorial Treasurer, gave it as his opinion that the unsold lots would not sell for more than an average of \$30. In that year twenty lots were sold at the average price of \$14 per lot.³

The causes which compelled the Territory to make such great reductions are evident. The valuation in the first instance was much too high; the stream of immigration had ceased to flow in so rapidly; good desirable lots purchased at the first sales by speculators were afterwards offered at prices more reasonable than those fixed by the Territory upon the remaining unsold lots; and being short of money the Territorial Agents had issued large amounts of scrip for labor and material on the Capitol, which scrip was good for its face value only in payment for lots purchased of the Territory. Many laboring men who had purchased lots with this scrip would offer their lots at a sacrifice in order to get U. S. money. In competition with the speculators and the scrip-purchased lots the Territory was outdone.

In the meantime, while the Legislative Assembly was admirably illustrating the foolishness of the attempt to artificially raise the price of Iowa City real estate by

¹ Stat. Laws, Ia. Ter., Session 1840-41 of Leg. Ass'y, page 90.

² Report of Ter. Agent, House Jour., 6th Leg. Ass'y, Ia. Ter., page 283.

³ Report of Ter. Treas., House Jour., 8th Leg. Ass'y, Ia. Ter., pages 248, 249.

means of legislation, the Acting Commissioner and Territorial Agents were evolving a novel monetary scheme, which in the end all but resulted in complete ruin.

In this Chauncey Swan took the initiative, when in 1840 he sold lots to the amount of several thousand dollars to be paid for in labor and material on the Capitol.¹ Men who worked on the Capitol were paid in Iowa City real estate certificates which were receivable at the office of the Acting Commissioner in payment for lots. In 1841, Jesse Williams, the Territorial Agent, went a step farther than his predecessor. Mr. Williams issued certificates of indebtedness to laborers and other creditors of the Territory on account of the Capitol, payable to the bearer and receivable in payment of any debts due the office.² Notes or certificates of indebtedness of this sort were issued during the year 1840 to the amount of \$4,285.60. Many of these certificates naturally found their way into the hands of men who were debtors of the Territory for lots purchased. Thus the certificates would in the course of time return to the office of the Territorial Agent.

It will be observed, however, that while the certificates of indebtedness served well enough as a medium of exchange, they as inferior money, drove the lawful United States currency out of the office of the Territorial Agent; and the difficulty now resolved itself into the problem, how to get enough good money to meet the demands of the office. There was but one recourse—a loan. Accordingly on the 28th of June, 1841, the Territorial Agent made a loan of \$5,000 of the Miners' Bank of Dubuque, and on the 30th of September of the same year an additional loan of \$500. Both loans were negoti-

¹ Report of Acting Com., House Jour., 3rd Leg. Ass'y, page 22.

² Report of Ter. Agent, House Jour., 4th Leg. Ass'y, page 36.

ated on the faith of the unsold lots in Iowa City. The \$5,000 note was to be paid at the Bank of America in the city of New York, eighteen months after date, with interest at the rate of seven per cent. per annum, payable quarterly at the State Bank of Missouri in the city of St. Louis; while the \$500 note, with the same rate of interest, was to be paid nine months after date at the State Bank of Missouri in the city of St. Louis.¹ But to the disgrace and humiliation of the Territory of Iowa, the \$500 note was protested at the Bank of Missouri, and the \$5,000 note was not fully settled until the year 1847,² being nearly five years after it had become due. And in the meantime, the Assembly of Iowa,³ as well as the Constitution of 1846, had closed the doors of the Miners' Bank. When paid, the Treasurer's report shows that this debt amounted to \$6,931.23.⁴

It was, however, in 1842 that the monetary scheme adopted by the Territorial Agents came to its logical conclusion—*repudiation*. The large number of hands employed in March and April were all paid in scrip, issued and based exclusively on unsold lots, and made payable to the bearer and receivable at the office for all sales made *after the first day of May*.⁵ The town was flooded with this scrip, and U. S. money began rapidly to disappear.

At the office of the Territorial Agent the money

¹ Report of Ter. Agent, House Jour., 4th Leg. Ass'y, page 36.

² Stat. Laws of Iowa, 1st Session Gen. Ass'y, page 43.

³ Granted by the Legislative Assembly of the Territory of Wisconsin in November, 1836, the charter of the Miners' Bank of Dubuque was repealed by the Legislative Assembly of Iowa in May, 1845.—See Stat. Laws, Ia. Ter., Session 1845 of Leg. Ass'y, page 54.

⁴ Report of State Treas., Stat. Laws of Iowa, Extra Session 1st Gen. Ass'y, page 105.

⁵ Report of Ter. Agent, House Jour., 5th Leg. Ass'y, Ia. Ter., page 28.




famine took a serious turn. The laborers at the quarry and on the Capitol demanded at least money enough to supply their daily wants; for the scrip would not pass with the merchants for goods,¹ neither would it be taken by the farmers for provisions.² And all the while this scrip of 'forty-two, along with certificates of 'forty and 'forty-one, was being returned to the office in payment for lots and for redemption. In this almost hopeless condition the Territorial Agent, prohibited by the Legislative Assembly from making any loans, began to repudiate scrip and certificates issued by his own office. It was but a partial repudiation, based upon technical discrimination, and naturally caused much dissatisfaction throughout the town. The Territorial Agent was finally called upon to explain his actions to the Assembly. Whereupon he set forth the whole matter, seeking justification in the fact that his course of action was in keeping with the manifest intention of the Assembly to have the work on the Capitol carried on without further delay.³ Good U. S. money was necessary to prosecute the work; and to obtain this money, repudiation was his only recourse. As to the technical discrimination, he explained that, the scrip of 'forty-two having been issued on the basis of unsold lots and receivable for lots sold after the first day of May, he did not consider himself bound to redeem it in any other way. Furthermore, in refusing to accept certificates of the issues of 'forty and

¹ A few merchants did receive scrip in payment for goods, but at a discount of nearly fifty per cent. The firm of Murry & Sanxay received scrip to the amount of several thousand dollars, with the expectation of having it redeemed when presented to the Territory. This scrip was finally redeemed, but not entirely until 1848.

² Report of Ter. Agent, House Jour., 5th Leg. Ass'y, Ia. Ter., page 28.

³ *Ibid*, page 56.

'forty-one in payment for arrears on lots sold in 1839, he maintained that these certificates were based on lots sold in 'forty and 'forty-one and not on lots sold previous to

Real Estate Security, Iowa City Lots, \$52,700.	<table border="0"> <tr> <td data-bbox="150 291 222 1450" style="text-align: right;"> \$1.00 </td> <td data-bbox="222 291 326 1450" style="text-align: center;"> <div style="display: flex; align-items: center; justify-content: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);"> No. </div> <div style="text-align: center;">  </div> </div> </td> <td data-bbox="326 291 639 1450" style="text-align: center;"> <div style="display: flex; align-items: center; justify-content: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);"> OFFICE OF TERRITORIAL AGENT, Iowa City, </div> <div style="font-size: 3em; margin: 0 10px;">}</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);"> 1842. </div> </div> </td> </tr> <tr> <td colspan="3" style="text-align: center; padding: 20px;"> <p>I Certify that there is due the bearer ONE DOLLAR, which will be received at this office in payment for Iowa City Lots sold after the first day of May, 1842.</p> </td> </tr> <tr> <td colspan="3" style="text-align: right; padding-top: 20px;"> Territorial Agent. </td> </tr> </table>	\$1.00	<div style="display: flex; align-items: center; justify-content: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);"> No. </div> <div style="text-align: center;">  </div> </div>	<div style="display: flex; align-items: center; justify-content: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);"> OFFICE OF TERRITORIAL AGENT, Iowa City, </div> <div style="font-size: 3em; margin: 0 10px;">}</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);"> 1842. </div> </div>	<p>I Certify that there is due the bearer ONE DOLLAR, which will be received at this office in payment for Iowa City Lots sold after the first day of May, 1842.</p>			Territorial Agent.		
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Territorial Agent.										

that time.¹ The plain fact in the matter was, the Territorial Agent resorted to *repudiation* because it was his only means of getting money, and he adopted a technical discrimination to give this repudiation the face of justice.

¹ See Report of Ter. Agent, House Jour., 5th Leg. Ass'y, Ia. Ter., pages 56, 57, 58.

NOTE.—The specimen of scrip given on this page is copied from a specimen of the issue of 1842.—See House Journal of the Fifth Legislative Assembly of the Territory of Iowa, page 58.

COST OF THE CAPITOL.

The reports of the Acting Commissioner and Territorial Agents are so compiled that it is impossible to work out with any satisfactory degree of accuracy the sums total of the receipts and expenditures involved in the erection of the Capitol. Some of the accounts of Chauncey Swan are exceedingly vague and indefinite. The reports are all too general and by no means uniform. Accounts on the Capitol are often inseparably connected with expenditures arising from the town surveys and improvements.

I will, however, venture several approximations, which, although not strictly correct, are of sufficient accuracy as general estimates. The receipts arising from the sales of lots from 1839 to 1846 amount to about \$75,000. The special cash appropriation of Congress was \$20,000. At the Miners' Bank, \$5,500 was borrowed. And after being admitted into the union the State made appropriations of between \$15,000 and \$20,000. This would make as receipts the total sum of about \$117,000. After deducting from this sum \$5,000 for expenses connected with the town surveys and incidental matters, there remains the sum of \$112,000 for the erection of the Capitol.

From another line of investigation I come to nearly the same estimate. After taking from the reports those accounts which seem to pertain to the Capitol alone, I find that they amount in total to nearly \$111,500. We may therefore, I think, safely estimate the cost of the Capitol in round numbers as \$112,000.¹

¹ The cost has also been estimated at \$123,000.— See *Iowa Historical Record*, Vol. IV, page 107.

LOCAL GOVERNMENT OF THE TERRITORIAL CAPITAL.

As the territorial capital, Iowa City had no corporate form of municipal government. In this respect it was behind the other important towns of the Territory.

But it was certainly not the fault of the Legislative Assembly that Iowa City did not sooner become an organized municipal corporation; for as early as January 1841, an act was passed to incorporate the town under a special charter.¹ Rejected at the time of its first passage, this act was successively revived in 1842² and in 1844.³ As to the rejection of the act after its second revival in 1844, the *Capital Reporter* comments editorially as follows: "We are gratified in being able to state that the good sense of our citizens has rejected the act for the incorporation of our city, revived at its last session by the Legislature. Had this act of incorporation gone into force, the consequences would have been in all probability, that our present taxes would have been at least doubled within one year—and the city but little benefited by the additional burden."⁴ The dread of the extra burden of taxation undoubtedly had much to do with the rejection of the charter.

Another potent factor which meets us in the consideration of the attitude of the town towards municipal government is the peculiar circumstance which always confronts us when we attempt to analyze the character of Iowa City. I refer to the fact that Iowa City was originally founded and *owned* by the Territory.

During the first six years of its existence, Iowa City

¹ Stat. Laws, Ia. Ter., Session 1840-41 of Leg. Ass'y, page 97.

² Stat. Laws, Ia. Ter., Session 1841-42 of Leg. Ass'y, page 25.

³ Stat. Laws, Ia. Ter., Session 1843-44 of Leg. Ass'y, page 156.

⁴ *Iowa Capital Reporter*, Vol. III, No. 16.

was virtually controlled and managed by the officers who had charge of the affairs of the Territory at the capital. From 1839 to 1841 this officer was styled "Acting Commissioner." From 1841 to 1845 he was styled "Territorial Agent," and shared his duties and influence with another officer known as "Superintendent of Public Buildings." These officers, it is true, were clothed with no municipal authority; but by virtue of the high prestige of their office they had a great influence in local matters.¹

¹ The following is a list of the influential men from 1839 to 1846:

1839	. .	Chauncey Swan	. .	Acting Commissioner.
1840	. .	Chauncey Swan	. .	Acting Commissioner.
1841	. .	Jesse Williams	. .	Territorial Agent.
1841	. .	Chauncey Swan	. .	Superintendent of Public Buildings.
1842	. .	John M. Coleman	. .	Territorial Agent.
1842	. .	Wm. B. Snyder	. .	Superintendent of Public Buildings.
1843	. .	John M. Coleman	. .	Territorial Agent.
1843	. .	Wm. B. Snyder	. .	Superintendent of Public Buildings.
1844	. .	Anson Hart	. . .	Territorial Agent.
1845	. .	Anson Hart	. . .	Territorial Agent.
1845	. .	Morgan Reno	. . .	Territorial Treasurer.

V.

EDUCATIONAL BEGINNINGS.

"It is with a reverence such as is stirred by the headwaters of some mighty river that one looks back" to the educational beginnings in the town, which, having become the seat of the State University, is now the center from which comes the inspiration to higher education.

These beginnings, although tiny when contemplated in the light of our present institutions, do, nevertheless, reflect much credit upon the character of the early inhabitants of Iowa City and the Territory of Iowa. Such a luxuriant growth of schools as sprung up during the first decade certainly indicates a richness of soil; and if they died prematurely, that was due to their over-abundance. Education, at first confined to private schools, was taken up after a few years by academies and colleges, which in turn were succeeded by the former system of private enterprise. The private schools reigned for about six years, when they were superseded by the free public schools established by the town council.

It was in the year 1840 that Jesse Berry opened the first school in Iowa City in a one-story frame building, which he had erected on College street in block 84, just west of what is now known as "Coldren's Grocery." Here, in this building—which was used as school house,

church and courthouse—the children of Iowa City first met to learn to read and write and spell and count. Jesse Berry was a “school-master” of the “old school days” of which the present generation knows but little.¹ He was a faithful teacher and highly respected throughout the town. Sometime during the same year, I. M. Choate opened another private school on Market street, in that little old frame building which still stands on the north side of block 78, just back of the English Lutheran church.

¹ The following extracts are from the original note-book of Jesse Berry, which has been preserved in the library of the Iowa State Historical Society. These extracts are fitting illustrations of the cost of education in a pioneer community; of the way in which tuition was paid; and of the annoyances with which the early school-masters had to contend.

JESSE BERRY. Iowa City, 1840-41.

F E Jones	<i>Dr.</i>	
to tuition up to the time he ran away		9.00
by washing up to the same time	<i>Cr.</i>	2.00
Walter Butler	<i>Cr.</i>	\$ Cts.
By cash		5.62½
By 100 brick		60
To tuition up to the 20 of August 1840		15.87½
Sanford Harned	<i>Cr.</i>	
by washing one pair pantaloons		1.00
John Crum	<i>Dr.</i>	
To tuition		12 00
To house rent		5.00
By hauling one load of posts		75
1 chicken		12½
April 7th, received payment by taking a due bill		16.12½
Benjamin Weiser	<i>Dr.</i>	
To tuition up to the 20 Aug. 1840		8.00
	<i>Cr.</i>	
By 3 days work @ \$1.75 per day		5.25

MECHANICS' ACADEMY.

The movement in favor of higher educational institutions was inaugurated by the "Mechanics' Mutual Aid Association of Iowa City" in 1842—notwithstanding the incorporation of a certain "Iowa Seminary" as early as December, 1840. This Mutual Aid Association was organized on the 6th of January, 1841, by seven Iowa City mechanics. It was a thoroughly public-spirited association and at once became very popular, increasing

David A Burns	<i>Dr.</i>	
To tuition up to Aug. 20. 1840		8.00
By mending 1 pair of shoes		87½
George Ressler	<i>Cr.</i>	
by hauling brick and mortar		38
C K Ward	<i>Cr.</i>	
by 1 lb candles		25
Sanford Harned	<i>Dr.</i>	
To tuition		4.75
To \$1.00 tax paid sheriff		1.00
	<i>Cr.</i>	
By washing		50
By 1½ days work		2.62½
Joseph Stover	<i>Dr.</i>	
to tuition 48½ days		3.25
George T. Andrews	<i>Dr.</i>	
to tuition 120 days		8.00
Walter Butler	<i>Dr.</i>	
3 spelling Books		1.75
to county order		5.00
Benjamin Weiser		
2 Spelling Books		51
B P Moore	4 bushel potatoes	M B
Evans	34 bushel Ruta Bagas	M B @ 25
Butler	17 " "	" @ 25
Butler	25 bushel corn	M B
Kelby	1 " onions	" @ 50

its membership from seven to sixty in the course of one year. The greatest work of the association was the founding of the "Mechanics' Academy."

The academy building was erected in 1842 on the "School Reserve" east of the "City Park," the south half of which reserve was donated in 1842,¹ and the north half in 1844² to the Mechanics' Association, for literary purposes. On the 14th of June the corner stone was laid; and a proud day that was for the members of the association. "Agreeable to invitation, the citizens assembled about 2 o'clock in the temporary State House³ for the purpose of forming a procession and marching to the building to witness the ceremony of laying the corner stone of the Mechanics' Academy. Business was suspended and all classes left their occupations, and devoted the afternoon to the recreations attendant upon the occasion. The procession formed about 4 o'clock, and after marching through the principal streets of the city, proceeded to the ground. At the head of the procession we noticed different clergymen of the city, next came the invited guests of the Association, then the officers of the Association, the teachers and children of the different schools, and a large concourse of citizens brought up the rear. The choir of the Methodist Protestant Church lent their aid in the entertainment."⁴ The oration of the day was delivered by the Rev. John Libby.

Filled with enthusiasm for the enterprise so favorably begun, the mechanics pushed forward the work on the

¹ Stat. Laws, Ia. Ter., Session 1841-42 of Leg. Ass'y, page 5.

² Stat. Laws, Ia. Ter., Session 1843-44 of Leg. Ass'y, page 79.

³ Butler's Capitol. See Chapter IV on "The Territorial Capital," page 58.

⁴ *Iowa Capitol Reporter*, Vol. I, No. 29.

Academy with much vigor. As in the erection of a dam by the Iowa City Manufacturing Company, little money was required to carry on this educational enterprise. For the stock-holders paid for their shares in labor and material; the mason contributed his labor in the laying of the walls, and the carpenter his skill and his lumber. In this novel manner the mechanics erected a two-story brick building fifty-four and a half feet long by twenty-six and a half feet wide. When completed it was the finest school building in all the Territory. Within its walls the State University of Iowa had its beginning.

In 1860 the University rented the academy building for a period of five years at an annual rent of \$300. By this time the bulk of the stock had fallen into the hands of Robert Hutchinson,¹ who in a deal with the University gave up all his claim to this property in exchange for a lot on College street,² which had come into the possession of the University on the foreclosure of a mortgage. In 1866, however, the General Assembly declared that the original "School Reserve" as granted to the Mechanics' Mutual Aid Association had reverted to the State because it had been used for other than "literary purposes;" and in order to give the University a clear title to the property the General Assembly redonated the "Reserve" to the University.³

The Academy was divided into two departments: a "male department" and a "female department." The female department was opened to students as early as June, 1843; while the male department was first organized in October. During the winter session of 1843-44,

¹ The original stock-holders sold their shares to Mr. Hutchinson at a great discount.

² See Archives of the State University, Record A, page 266.

³ Stat. Laws of Iowa, 11th Gen. Ass'y, page 58.

one hundred and twenty students were enrolled. Messrs. W. Hamilton and H. Hamilton assisted by Mrs. Hampton conducted the school under the direction of the trustees.

With all its favorable and promising beginnings the Mechanics' Academy was soon abandoned. The members of the association lost interest in the institution and left it to die for want of proper support. It is, nevertheless, very probable that it would have developed into a first-class academy had not so many other schools sprung up about that time to rob it of its patronage.

SNETHEN SEMINARY.

The "Snethen Seminary"¹ was established in 1844, by the Illinois Conference of the Methodist Protestant denomination. According to the original plan of organization there was to be a preparatory, a collegiate and a theological department. W. B. Snyder was the chief promoter of the institution, and W. K. Talbot was the principal teacher. The Methodist Protestant church on Iowa Avenue was used for recitation purposes. Snethen Seminary was never a strong school, and when trouble arose with the principal, Mr. Talbot, it went down rapidly. Its total existence fell short of two years.

IOWA CITY COLLEGE.

By an act of the Legislative Assembly approved February 15th, 1843, "Iowa City College" was incorporated.² Established by and under the auspices of the Methodist Episcopal church, this college was to be

¹ Named in honor of Nicholas Snethen, of Cincinnati, a prominent clergyman in the Methodist Protestant denomination.

² Stat. Laws, Ia. Ter., Session 1842-43 of Leg. Ass'y, page 75.

founded upon "a plan most suitable for the benefit of the youth of every class of citizens and of every religious denomination, who shall be freely admitted to equal advantages and privileges."¹ The Board of Trustees together with the Faculty were granted the power "to confer upon the deserving any and all degrees in the arts and in the learned professions." The north half of block five was donated to the college, provided that a college edifice be erected thereon within a limited time.²

On the 3rd day of April, 1843, the Board of Trustees were sworn in with the Rev. James L. Thompson as President; and in April, 1846, the College was organized by James Harlan,³ who took charge of the institution as "President and Professor of Mental and Moral Science." Mr. Harlan was assisted by an additional professor and several instructors. The grade of studies actually taught was preparatory. For recitation and other school purposes the College occupied the edifice on Iowa Avenue formerly owned and occupied by the Methodist Protestant denomination. (The Methodist Episcopal church had recently purchased this building from the Methodist Protestants.) Like its predecessors, Iowa City College was in active operation less than two years. It was brought to a close primarily by the resignation of Mr. Harlan.⁴ During its existence it was satisfactorily successful as a college preparatory school.⁵

¹ Stat. Laws, Ia. Ter., Session 1842-43 of Leg. Ass'y, page 76.

² *Ibid*, page 80.

³ Now the Hon. James Harlan, of Mt. Pleasant.

⁴ Mr. Harlan resigned because he had been elected Superintendent of Public Instruction in Iowa.

⁵ The facts relating to Iowa City College were given to me by Hon. James Harlan, who is still living.

IOWA CITY UNIVERSITY.

Of all the early educational projects, that of the Iowa City University was the most elaborate in its scheme of organization and the most detailed in its plan of operation. In short it was to be a university; and in this sense it was the precursor of the present State University.

Iowa City University was incorporated by an act of the Legislative Assembly approved June 2nd, 1845.¹ The act provided: that the University shall be under the direction of a board of thirty regents,² who shall hold their first meeting at the Capitol on the first Monday in June, 1845; that the first Board of Regents chosen by the stockholders shall be elected on the first Monday in March, 1845, and ever afterwards once in every three years; that the stock of said University shall consist of shares of twenty-five dollars each; that the Governor of Iowa shall be, ex-officio, President of the Board of Regents; that the Board of Regents shall have power to connect with the University a Law School and a Medical School, and may admit charity students, receive donations and bequests for the University, and confer any and all degrees in the arts and in the learned professions—and in conferring such honors any person entitled to a seat in the Council or House of Representatives shall be entitled to a seat and vote with the Board of Regents.

¹ Stat. Laws, Ia. Ter., Session 1845 of Leg. Ass'y, page 61.

² Regents were: Smylie H. Bonham, Charles R. Fisk, H. D. Downey, William K. Talbot, James Robinson, Robert Gower, A. H. Davenport, Edward E. Fay, Morgan Reno, Edward Johnson, G. W. Jeffries, A. B. Robbins, James Clark, M. D. Talbot, John McConnell, E. B. Turner, Josiah H. Bonney, Joseph B. Teas, William Patterson, Moses Beers, George S. Hampton, Joseph B. Davis, E. Metcalf, F. Springer, R. F. Shinn, William Abbe, Thomas S. Wilson, John Brophy, and G. H. Walworth.

Besides the articles of incorporation, the only other source of information regarding this University is a small bundle of letters and papers preserved in the library of the State Historical Society. From these we learn that James Robinson was President of the Iowa City University, and in the absence of the Governor, served as President of the Board of Regents; that George S. Hampton was Secretary; that agents were sent out to solicit "donations and bequests;" and that "the multiplicity of agents for the various benevolent causes and the Society to aid Western Colleges" were a "great hinderance" to these University agents. Furthermore from these same papers we learn that it was resolved: "That there be a preparatory department to the I. C. University which shall go into immediate operation, and also that classes be organized for the University itself as fast as students may be obtained or are sufficiently advanced for the purpose;" that "any selected professor of the University who shall obtain funds sufficient to endow a professorship shall be permanently continued;" that the practical duties of religion may be recommended by the professors to the students of the University, yet no sectarian tenets shall be taught to the students of said University; that students who are unable to defray the expense of tuition, on producing evidence thereof, shall be entitled to have their tuition free, provided they evince a scholarship to entitle them to this favor."

The committee appointed to employ instructors for the preparatory department reported that they had secured the services of the Rev. W. R. Talbot, the Rev. W. D. Talbot and the Rev. Charles R. Fisk as said instructors.

A committee also recommended "that the Sessions of

each Department consist of five calendar months each, and that all, except such as with whom a special agreement is made at entrance, by the trustees or professors, be taxed for not less than a whole session, unless in the opinion of the trustees they are detained by sickness, and the prices of tuition be per session, as follows:

For Orthography, Reading, Writing, Mental Arithmetic . . . \$3.75

For Orthography, Arithmetic, Grammar and the commencement of Latin 6.00

Modern and Ancient Geography, History, Elements of Astronomy, Natural, Mental and Moral Philosophy, Mineralogy, Geology, Botany, Rhetoric, Logic, Mathematics, etc., and the remaining Collegiate studies 8.50

To the above prices \$1.00 per session to be added where payment is delayed to the close of the Session.

Agents of the Iowa City University went as far south as Kentucky and as far east as Boston to solicit donations. In the library of the State Historical Society there are about one hundred and forty volumes, some of them over one hundred years old, which were presented to the University.¹

The only evidence that the University was ever put into actual operation is, that in the latter part of March, 1846, there was a public examination, and at the public exhibition given on the 1st and 2nd of April "the original addresses, dissertations, dialogues and disputations of the young ladies and gentlemen, a portion of which were in Greek and Latin, were all respectable, and many of them of superior quality."²

¹ These same books were afterwards donated to the "Iowa Female Collegiate Institute."

² *Capitol Reporter*, Vol. V, No. 10.

FROM PRIVATE TO PUBLIC SCHOOLS.

The whole movement toward higher education was premature. There was neither wealth nor patronage in Iowa adequate for its proper support. Consequently the birth of Academy, Seminary, College and University, all within the period of five or six years, proved fatal. There was not patronage enough for all; and in the struggle for existence they strangled each other. Not one of these larger institutions survived; and education was again left to private individual enterprise.

Thus in proportion as these more ambitious attempts failed, private schools flourished. Mr. Choate's school had continued all the while; and as early as September, 1841, Mrs. Hulin opened a school for young ladies¹ in a little house on block 61, near the corner of Linn and Washington streets. From the *Standard* we learn that in 1843 there were two private schools in operation: one conducted by Dr. W. Reynolds, called the "Select School" and numbering forty pupils; the other numbered thirty-five pupils and was managed by Mr. Hart.²

In 1844 there was still another private school, known as the "Iowa City Institute."³ Three years later, H. W. Lathrop (now librarian of the State Historical Society) opened a school in the basement of the old Methodist Protestant church. From 1847 to 1853, private enterprise in education reached the acme of its success.

But the transition from private to public education had already set in as early as 1847. Iowa City township⁴

¹ *Iowa City Standard*, Vol. II, No. 13.

² *Iowa Standard*, Vol. III, No. 32.

³ *Iowa Standard*, Vol. IV, No. 46.

⁴ The number of school children returned for the whole township in 1847 was 416; and the school fund apportionment for the same year was \$170.60.

was then divided into two districts, *viz*: No. 1, southern, and No. 2, northern. On the 25th of May, 1847, Mr. A. G. Gower opened the first free public school¹ in the building, which by that time had become noted as a school edifice—the Methodist Protestant church² on Iowa Avenue. (It was at the close of Mr. Gower's first term that Mr. Lathrop opened his school in the same building.) But for six years after this beginning, the free schools were of little consequence, there being no adequate funds for their support. There was no local taxation for educational purposes, and the apportionment from the State was meager.

The change from the private to the public system of education is interestingly illustrated in the experience of H. W. Lathrop in the northern district. When the free school was closed for want of funds, Mr. Lathrop would organize private classes. But when the state apportionment was received he would secure the contract for the free school, take his private pupils with him and become a public teacher. When the public funds were exhausted he would again organize his private classes. But after the incorporation of Iowa City in 1853, all this came to and end, and an efficient system of ward schools was established by the town council.

IOWA FEMALE COLLEGIATE INSTITUTE.

As the period of educational beginnings was coming to a close a final attempt was made to establish a large educational institution. The scheme this time was inaugurated by the Independent Order of Odd Fellows, and aimed at the founding of a female seminary. As the

¹ *Iowa Standard*, New Series, Vol. I, No. 47.

² Called at this time the "College Building."

originator of this project, the Rev. A. Russell Belden first laid his plans before the lodge on the 20th of July, 1853. On the records of the next meeting of the lodge appears the following: "*Resolved*, That this lodge subscribe \$600.00 for the erection of a Female Seminary in Iowa City, under the articles of incorporation proposed by Bro. A. R. Belden, etc."¹

Under the name of the "Iowa Female Collegiate Institute" the proposed institution was incorporated for a period of twenty years, beginning with the 29th day of July, 1853. The capital stock, which was divided into shares of twenty-five dollars each, was not to exceed twenty-five thousand dollars nor be less than five thousand dollars, and was to be "raised by voluntary donations to the institution by encampments, lodges, members of the Independent Order of Odd Fellows and other friends of the enterprise." One hundred dollars in stock secured a fellowship consisting of free tuition in all branches of the collegiate department for twenty years or for life. "The sole government of the school, together with the use of the buildings, appurtenances, and profits of said school shall be vested in A. Russell Belden and Sarah L. Allen during the period of twenty years under the direction of the Board of Trustees. The Board of Trustees shall consist of the principals of the institution and two persons chosen annually from each lodge of the Independent Order of Odd Fellows in Iowa City."

The new enterprise had the confidence of the community and the lodges, and six thousand dollars was speedily raised. The use of the west half of College

¹ Historical Sketch of Kosciusko Lodge, I. O. O. F., Iowa City, page 11.

Green (now known as College-hill Park) was granted by the town council¹ as a site for the seminary building, which was located near the southwest corner. The corner stone² was laid in October. C. O. Waters, of Muscatine, delivered the address on this occasion, and R. H. Sylvester read a poem.

The erection of the seminary building was under the personal direction of Mr. Belden, who indeed was the chief promoter of the whole undertaking. As planned by Mr. Banbury, the building was to be constructed of brick, thirty by eighty feet and three stories high. By the month of August, 1855, the walls of the basement and first story were completed, when Mr. Belden suddenly died of Asiatic cholera. This sad death proved disastrous to the Iowa Female Collegiate Institute; for no one could be found with the ability and enthusiasm necessary to carry on the work so successfully begun.

In 1856, C. Billings Smith made an attempt to revive the fallen enterprise but met with complete failure. College Green reverted to the town, and in the course of time the half-completed walls were torn away. With the downfall of the Iowa Female Collegiate Institute, Iowa City witnessed the last failure to establish a large educational institution in her midst. State institutions now became the principal factors in Iowa City's educational history.

SCHOOL FOR THE BLIND.

By an act of the General Assembly approved January 18th, 1853,³ an "Asylum for the Blind" was established

¹ See Ordinance No. 20 in City Ordinances published in 1857.

² The contents of the box placed in the corner stone are preserved in the library of the Iowa State Historical Society.

³ Stat. Laws of Iowa, 4th Gen. Ass'y, page 47.

at Iowa City under the principalship of Samuel Bacon. The institution was opened for the reception of students on the 4th of April. Mr. Bacon was assisted by T. J. McGittigen as instructor in music, and by Mrs. Sarah K. Bacon, as matron. As principal, Mr. Bacon, though blind himself, conducted the institution with eminent success. In August, 1862, the school was removed from Iowa City to Vinton, in Benton County.

SCHOOL FOR THE DEAF AND DUMB.

The State "Institution for the Deaf and Dumb" was established at Iowa City in accordance with an act of the General Assembly approved January 24th, 1855.¹ At that time, out of the three hundred and one deaf mutes in the State, fifty attended this state school. W. E. Ijams, who in fact had started the institution as a private school, was made principal; but in 1862 he resigned and Benjamin Talbot was appointed in his stead. In 1866 a strong effort was made to remove the institution to Des Moines, which failed. Soon afterwards, however, it was removed to Council Bluffs.

CHURCHES.

It can hardly be charged that Iowa City was the seat of infidelity; for the growth of her churches was as luxuriant as the growth of her schools, and far more persistent. Almost from the very beginning the inhabitants of Iowa City were surrounded by the most favorable religious conditions. Within a single decade seven different societies had been organized and seven church buildings erected.

¹ Stat. Laws of Iowa, 5th Gen. Ass'y, page 133.

The impetus and diversity given to religious development in these early years were, however, in a measure the result of an outside stimulus as found in the liberal policy of making certain land donations. This policy was outlined by Chauncey Swan in 1839, when on the town plat he caused four half-blocks to be reserved for church purposes.¹ (See Chapter II on "The Founding of Iowa City," page 30.) In keeping with Mr. Swan's policy the Legislative Assembly in July, 1840, passed "AN ACT to grant certain lots of land in Iowa City, for Church and Literary purposes." According to this act any religious denomination then existing in the United States was entitled to one equal half of any of the reserved half-blocks, "conditioned that they will erect and finish on said lot a meeting house or place of worship within three years from the passage of this act." The conditions of the act, it will be observed, necessitated immediate action on the part of those denominations wishing to obtain the benefits of the land donations.

From 1840 to 1843, there seems to have been a general religious movement in Iowa City, which resulted in the organization of local branches of the following denominations: Methodist Episcopal, Methodist Protestant, Catholic, Presbyterian, New School Presbyterian, Baptist and Universalist. Of these all but the Presbyterian and New School Presbyterian built on lots reserved and granted by the Territory in accordance with the conditions above named.

¹ Church street derived its name from the circumstance of having been the street on which two of the reservations were located. No churches, however, were ever erected on Church street.

VI. THE STATE CAPITAL.

FIRST CONSTITUTIONAL CONVENTION.

Iowa City is preëminently the historical capital of Iowa. For not only was it the permanent capital of the Territory of Iowa, but, upon the admission of the Territory into the Union, it also served as capital of the State for a period of twelve years.

Two years and ten months after the first meeting of the Legislative Assembly at Iowa City, "AN ACT to provide for the expression of the opinion¹ of the people of the Territory of Iowa upon the subject of the formation of a State Constitution for the State of Iowa" was passed by the Assembly and approved February 12th, 1844.² At the township elections held in the month of April following the passage of this act, the people of the Territory decided by large majorities in favor of a constitutional convention. Accordingly at the next regular election seventy-two delegates were chosen to attend such a convention.³

On Monday, October 7th, 1844, the delegates from

¹ Before the Assembly had ever met at Iowa City, State Government had already been talked of in parts of the Territory.— *Bloomington Herald*, Vol. II, No. 6.

² Stat. Laws, Ia. Ter., Session 1843-44, page 13.

³ In the election of delegates the Democrats were victorious, electing a majority of the delegates.

the different counties of the Territory assembled in the Capitol at Iowa City to draft a constitution for the future State. The convention was called to order by Gen. Francis Gehon, of Dubuque County, and upon his motion Ralph P. Lowe, of Muscatine, was appointed President *pro tem*. The Rev. Mr. Snethen opened the convention with prayer.¹ After the delegates had presented their credentials, committees were appointed to examine these credentials and prepare rules for the government of the convention.²

On the day following, Shepherd Leffler, of Des Moines County, was unanimously elected President of the convention. After listening to a short speech by Mr. Leffler the delegates at once vigorously applied themselves to the task before them in a business-like manner.³ A constitution having been formulated, the first constitutional convention, after a session of twenty-four days, adjourned *sine die* on the morning of November 1st, 1844.⁴

THE BOUNDARY DISPUTE.

But when the constitution of 1844 was presented to Congress a dispute arose between Congress and the people of the Territory over the question of state boundaries. As fixed by the constitutional convention the boundaries of the future State were:

Beginning in the middle of the main channel of the Mississippi river opposite the mouth of the Des Moines river; thence up the said river

¹ A motion to have the convention opened each day with prayer was, after considerable discussion running through several days, indefinitely postponed.— See Journal of Convention, page 31.

² Journal of Convention, pages 3, 4.

³ *Iowa Capital Reporter*, Vol. III, No. 40.

⁴ Journal of Convention, page 211.

Des Moines in the middle of the main channel thereof, to a point where it is intersected by the Old Indian Boundary line, or line run by John C. Sullivan in the year 1816; thence westwardly along said line to the "Old North-west corner of Missouri;" thence due west to the middle of the main channel of the Missouri river; thence up in the middle of the main channel of the river last mentioned to the mouth of the Sioux or Calumet river; thence in a direct line to the middle of the main channel of the St. Peter's river, where the Watonwan river (according to Nicollet's map) enters the same; thence down the middle of the main channel of said river to the middle of the main channel of the Mississippi river; thence down the middle of the main channel of said river, to the place of beginning.¹

Congress was not satisfied with these boundaries, and in an act approved March 3rd, 1845, ordered that part of the constitution which referred to boundaries to read:

. Beginning at the mouth of the Des Moines river, at the middle of the Mississippi, thence by the middle of the channel of that river to a parallel of latitude passing through the mouth of the Mankato or Blue-Earth river, thence west along the said parallel of latitude to a point where it is intersected by a meridian line, seventeen degrees and thirty minutes west of the meridian of Washington city, thence due south to the northern boundary line of the state of Missouri, thence eastwardly following that boundary to the point at which the same intersects the Des Moines river, thence by the middle of the channel of that river to the place of beginning.²

In April the new state constitution was submitted to the people of the Territory. But the people, unwilling to concede to the few changes made in the boundaries by Congress, rejected the constitution entire.

When the Legislative Assembly met in June, 1845, an act was passed ordering the constitution to be re-submitted to the people of the Territory upon the first Monday of August for their ratification or rejection: "*Provided*, That the ratification of the constitution shall not be construed as an acceptance of the boundaries fixed by Con-

¹ Journal of Convention, page 187.

² U. S. Stat. at Large, Vol. V, page 742.

gress in the late act of admission, and the admission shall not be deemed complete until whatever condition may be imposed by Congress, shall be ratified by the people.”¹ At the August election the constitution of 1844 was again rejected by the people of the Territory.

NEGRO SUFFRAGE.

In these early days there existed in Iowa a predominant sentiment against negro suffrage. Accordingly the provisions relating to suffrage incorporated in the constitution drafted in 1844 read: “Every *white* male, etc.” Yet there did exist a small minority who advocated negro suffrage; and when the convention of 1844 met at Iowa City to draft a constitution for the future State, a petition, praying that all the rights and privileges of other citizens be granted also to people of color, was presented and read to the convention. A few days after the reading of the petition, the committee appointed to consider it reported that in their opinion it would be *inexpedient* to grant the prayer of the petition. And in support of their position the committee attempted to reconcile the doctrine of expediency with the social compact theory of government, as will be seen in the following:

That all men are created equal, and are endowed by their Creator with equal unalienable rights, your committee are free to admit: That so far as nature is concerned those rights are as sacred to the black man as the white man, and should be so regarded. This however is a mere abstract proposition, and although strictly true, when applied to man in a state of nature; yet it becomes very much modified when man is considered in the artificial state in which government and society places him. Thus the infant is not entitled to liberty or the pursuits of happiness until he arrives at the age of twenty-one years. Females by the

¹ Stat. Laws, Ia. Ter. Session 1845, page 32.

arbitrary rules of society are excluded and debarred from many things which males consider rights and high privileges—such as the elective franchise, holding office, &c. Now in these cases the female and infant are denied what we abstractly term unalienable rights, and they submit without complaint or murmur. No one thinks of sympathizing with them in their deprivations. The philanthropist has never had occasion to commiserate their fate, still it is in those respects the same as the *citizen of color*. The negro is surely no better than our wives and children, and should not excite sympathy when they desire the political rights which they are deprived of.

The great error that exists in the minds of our citizens who reason in favor of negro suffrage and citizenship, arises from their mingling the natural and artificial rights of man, and treating the artificial institutions of government as sacred and as undeniable to *man* as the abstract rights of nature; a position which is untrue in point of fact, and in opposition to the experience of the whole world. Governments are strictly conventional, and although based upon the laws of nature, they are necessarily limited and circumscribed in their operation. It is made for those who are to be benefitted by it, and is not bound to unbar its doors and receive every vagrant who may take refuge in it.

Government is an institution or an association entered into by man, the very constitution of which changes or modifies to a greater or less extent his natural rights. Some are surrendered, others modified. The compensation for these sacrifices, is found in the greater security in those rights retained, and a cheapening of the expense of protecting them. It is a means sought by man to make more available, secure, and certain his *unalienable* rights of life, liberty and the pursuits of happiness. Thus the citizen acquires a species of property in his government, which he has a right to enjoy without molestation and without disturbance. In forming or maintaining a government it is the privilege and duty of those who have or are about to associate together for that purpose to modify and limit the rights or wholly exclude from the association, any and every species of persons who would endanger, lessen or in the least impair the enjoyment of these rights. We have seen that the application of this principle limits the rights of our sons, modifies the privileges of our wives and daughters, and would not be unjust if it excluded the negro altogether.—'Tis the party to the compact that should complain, not the stranger. Even hospitality does not sanction complaint under such circumstances. True, these persons may be unfortunate, but the government is not unjust.

If your committee are correct in their views, the question presented for consideration is plainly this: Would the admission of the negro as a citizen tend in the least to lessen, endanger or impair the enjoyment

of our governmental institutions—in other words would the accession of a negro population produce any of these consequences. If it would we should be unwise to admit them, if it would not, then it would be wanton and wrong to exclude them. The whole subject should be properly treated as a question of policy or contract where self interest is just as properly consulted, as in the promotion of a commercial treaty or a private contract. 'Tis the *white* population who are about to form a government for themselves—no negro is represented in this convention, and no one proposes to become a member of the compact. 'Tis the white population of this Territory who petition for the admission of the negro. They necessarily believe that the introduction of such a population as citizens would not interfere with the enjoyments of the white citizens, or they place this admission on the ground that the negro has the arbitrary claim, based as a natural right. The proposition would stand thus:

1st, That the negroes are a desirable or at least a harmless population:

2nd, That the negro has a *natural* right to be admitted as an equal citizen.

The former proposition begs, the latter commands.

Can the negro be admitted to those privileges and not impair the rights of the whites? your committee think not. The Government then would be unjust to admit them. The negro not being a party to the government has no right to partake of its privileges.

However your committee may commiserate with the degraded condition of the negroes, and feel for his fate, yet they can never consent to open the doors of our beautiful State and invite him to settle our lands. The policy of other States would drive the whole black population of the Union upon us. The ballot box would fall into their hands and a train of evils would follow that in the opinion of your committee would be incalculable. The rights of persons would be less secure, and private property materially impaired. The injustice to the white population would be beyond computation. There are strong reasons to induce the belief that the two races could not exist in the same government upon an equality without discord and violence, that might eventuate in insurrection, bloodshed and final extermination of one of the two races. No one can doubt that a degraded prostitution of moral feeling would ensue, a tendency to amalgamate the two races would be superinduced, a degraded and reckless population would follow; idleness, crime and misery would come in their train, and government itself fall into anarchy or despotism. Having these views of the subject your committee think it inexpedient to grant the prayer of the petition.¹

¹ Journal of Convention, page 52.

SECOND CONSTITUTIONAL CONVENTION.

The constitution of 1844 had been rejected; but by an exceedingly small majority. The sentiment in favor of state government was still strong throughout the Territory; and on the 17th day of January, 1846, an act of the Legislative Assembly was approved providing for the election of delegates to a convention to form a constitution and state government.¹ In pursuance of this act thirty-two delegates were elected at the township elections held in April.

On the 4th day of May, 1846, the second constitutional convention convened at Iowa City in the halls of the Capitol. Enos Lowe was elected President of the convention. As in 1844 there was a business-like disposal of the work in hand. There was no loafing, no waste of public funds. In the course of two weeks the labors of the convention were completed, and final adjournment was made on May 19th. The constitution adopted by this convention was subsequently accepted by the people of the Territory on the 3rd day of August, 1846, by a vote of 9,492 to 9,036.²

The two important questions discussed in the convention of 1846 related, the one to state boundaries, and the other to corporations (especially banking corporations). After much debate the question of state boundaries was settled by the adoption of those lines which to this day obtain for the State. The discussion on corporations was more intense and resulted in the total prohibition, for a time, of all banking business within the limits of Iowa.

¹ Stat. Laws, Ia. Ter., Session 1845-46, page 37.

² *Bloomington Herald*, New Series, Vol. I, No. 22.

THE ABOLITION OF BANKS.

The hostility toward banking corporations, which was so effectually incorporated in the constitution of 1846, was as old as the Territory. It first manifested itself in repeated attacks on the Miners' Bank of Dubuque. Inherited from the Territory of Wisconsin,¹ the Miners' Bank never was cherished by the people of Iowa. Indeed it was looked upon by them with a feeling of jealousy and suspicion. Intensified by the hard times that followed the panic of 1837, this feeling began to call for the repeal of the Bank's charter. At the same time a general movement against banking corporations was inaugurated throughout the Territory.

The strength of this sentiment in 1844 may be gauged by section 3 of article IX of the State constitution drafted in that year, which section reads:

The Legislature shall create no bank or banking institution, or corporation with banking privileges in this State, unless the charter with all its provisions, shall be submitted to a vote of the people at a general election for State officers, and receive a majority of the votes of the qualified electors of this State, cast for and against it.

In 1845 the Legislative Assembly repealed the charter of the Miners' Bank of Dubuque and provided for "winding up the affairs of the same."² This action of the Assembly was based upon the charge that the charter had been abused or misused. On the other hand, the Miners' Bank maintained that there had been no such abuse or misuse, and resisted the enforcement of the act. The matter was then taken to the courts, and a decision rendered against the Bank by the Supreme

¹ See Chapter IV on "The Territorial Capital," page 69, foot-note 3.

² Stat. Laws, Ia. Ter., Session 1845 of Leg. Ass'y, page 54.

Court.¹ Whether the Assembly was justified in abolishing the Miners' Bank, I do not know. But in repealing the charter without at the same time making satisfactory arrangements for the payment of certain just debts² due the Bank from the Territory, the Legislative Assembly certainly committed a disgraceful breach of faith.

The movement against banking corporations did not end with the repeal of the charter of the Miners' Bank. In 1846 it reached the point where the total abolition of all banks and banking business was demanded. And to satisfy this demand the following provision was incorporated in the constitution under which Iowa became a State:

No corporate body shall hereafter be created, renewed or extended, with the privilege of making, issuing, or putting in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money. The General Assembly of this State shall prohibit, by law, any person or persons, association, company or corporation, from exercising the privileges of banking, or creating paper to circulate as money.³

Iowa remained without banks until 1857, or for about twelve years. By the new State constitution drafted in 1857, banking business was again legalized.⁴ In 1858, "AN ACT to Incorporate the State Bank of Iowa"⁵ and "AN ACT authorizing General Banking in the State of Iowa"⁶ were passed by the General Assembly.

¹ Morris Reports (Iowa), page 482.

² See Chapter IV on "The Territorial Capital," pages 68, 69.

³ Article IX, Section 1 of Constitution (1846).

⁴ Article VIII of Constitution (1857).

⁵ Stat. Laws of Iowa, 7th Gen. Ass'y, page 125.

⁶ *Ibid*, page 215.

AN ERA OF PROGRESS.

It has already been observed that the growth and development of Iowa City during the first two years of its existence was phenomenal.¹ But as early as 1842 a reaction had set in. There was a great decrease in real estate values; business congested; and the ambitious attempts in education failed completely. However, with the admission of Iowa into the Union in 1846, with all the privileges and powers of a sovereign State, the tide of fortune again turned in favor of the capital city.

The constitutional conventions of 'forty-four and 'forty-six had added much to the reputation of Iowa City abroad. For throughout the Territory the constitutions were discussed and incidentally Iowa City would receive mention in the same breath. Then besides there was the added dignity of being the *State* capital. With the increase of population there had been a corresponding increase of public business. The Assembly expanded, and new public offices were created. And all this helped to intensify the activities at the capital.

The re-invigoration was soon perceptible. In May, 1847, the *Standard* records that: "At no time within two or three years past has there been such a show of active business operations in our city as at present. The merchants have fine stocks of goods and seem to be driving a profitable trade in their respective lines; the mechanics are busily employed; the citizens enjoy good health; and in every part of the town there is a general righting up of houses, door-yards, gardens and enclosures, indicating a reaction of public spirit. The country

¹ Chapter III on "The Beginnings of Municipal Life," pages 37, 38.

having taken a healthy start, we may now look forward to a steady improvement.”¹

And this, let it be remembered, was the glorious period in the history of Iowa City, the era of progress—from the meeting of the first two constitutional conventions in 1844 and 1846 to the meeting of the third convention in 1857. Just beginning to realize the vast possibilities of her resources, Iowa felt strong in the vigor of youth; and as the capital, Iowa City partook of this robust and exuberant feeling. Furthermore the town was now influenced by the touch of such high-minded men as Robert Lucas, John Chambers, James Harlan, W. Penn Clarke and Samuel J. Kirkwood.

Iowa City was the seat of high courts of justice. The Supreme Court of Iowa met in the northeast room on the lower floor of the Capitol. And from time to time the United States District Court met in the same room.

During this period Iowa City became historic as the birth-place of the fundamental principles of Iowa law and jurisprudence. The three state constitutions, as well as the code of 1851, were all drafted in Iowa City.

EARLY RAILROAD PROJECTS.

Iowa City was just beginning to feel the impulse of a renewed life, when by the entrance of railroads into the city of Chicago, there was aroused throughout the West a general interest in railroad construction. In Iowa this interest was most active in and around Dubuque,² where on the 11th of March, 1848 a large public meeting³ was held for the purpose of taking steps in

¹ *Iowa Standard*, New Series, Vol. I, No. 45.

² *Ibid*, Vol. II, No. 26.

³ “Dubuque” in *Iowa Standard*, New Series, Vol. II, No. 26.

reference to a railroad that would connect Lake Michigan with the Mississippi¹ and extend into Iowa. At the same time the people of Bloomington² (Muscatine), Iowa City, Keokuk, Davenport and Burlington were not asleep to the advantages of railroads. Moreover, Iowa City, being the capital of the State, was naturally the objective point of all the early railroads projected within the limits of Iowa.

The first railroad proposed within the limits of Iowa was to run from Dubuque to Keokuk via Iowa City through the counties of Dubuque, Jones, Linn, Johnson, Washington, Henry and Lee. And so considerable was the interest taken in this scheme that in January, 1848, the General Assembly memorialized Congress for lands to be appropriated in the construction of a railroad from Dubuque to Keokuk.³

In December, 1848, the board of directors for the Dubuque & Keokuk Railroad met at Iowa City and elected Maj. L. H. Langworthy, of Dubuque, President; P. R. Skinner, of Anamosa, Secretary; and J. H. Fisher, of Iowa City, Treasurer. At this meeting the directors listened to a report of the engineer appointed to make a reconnoissance of the proposed route. According to this report the length of the route was estimated at about one hundred and ninety-six miles. The superstructure contemplated was to consist of "longitudinal sills, cross sills and rails, all of timber, the rails surmounted with iron plates." As estimated, the cost of

¹ This was known as the Chicago & Galena Railroad.—*Iowa Standard*, New Series, Vol. II, No. 17.

² See *Bloomington Herald*, New Series, Vol. II, Nos. 83, 86.

³ Stat. Laws of Iowa, Extra Session, 1847-48, page 100.

the road completed and ready for cars was to be \$2,071.-788.00.¹ The detailed report of the engineer was presented to the General Assembly, and accepted by that body in January, 1849, in a joint resolution memorializing Congress a second time for a grant of lands to aid in the construction of the proposed road.² In 1851, the company was granted a right of way;³ but the Dubuque & Keokuk Railroad was never constructed.

Besides the Dubuque and Keokuk project the other proposed roads were: The Davenport & Council Bluffs Railroad, to run "from Davenport via Bloomington (Muscatine), Iowa City and Fort Des Moines to some suitable point near Council Bluffs on the Missouri River;"⁴ the Camanche & Council Bluffs Railroad, to run "from Camanche in Clinton County via Dewitt, Tipton, Iowa City and Fort Des Moines to Council Bluffs on the Missouri River;"⁵ and the Lyons Iowa Central Railroad, to run "from the Narrows of the Mississippi River in the town of Lyons, in Clinton County [via Iowa City] to Council Bluffs."⁶

DAVENPORT & IOWA CITY RAILROAD COMPANY.

On the 14th day of October, 1850, the Davenport & Iowa City Railroad Company was organized by a few of the citizens of Iowa City who on that day met at the office of George S. Hampton. James P. Carleton was elected President; LeGrand Byington, Treasurer; and

¹ Stat. Laws of Iowa, 2nd Gen. Ass'y, Resolution No. 5, page 171.

² *Ibid*, page 171.

³ Stat. Laws of Iowa, 3rd Gen. Ass'y, page 129.

⁴ Stat. Laws of Iowa, 2nd Gen. Ass'y, Resolution 15, page 184.

⁵ Stat. Laws of Iowa, 3rd Gen. Ass'y, page 70.

⁶ *Ibid*, page 95.

Henry W. Lathrop, Secretary.¹ Five thousand dollars had already been subscribed to the capital stock of the company.²

The people of Davenport had already expressed their willingness to concur with the citizens of Iowa City in this new enterprise, when, on the 21st of October, 1850, at a special meeting of the Board of Directors held at Iowa City, LeGrand Byington was authorized to proceed to Davenport and Rock Island for the purpose of procuring the services of an engineer to make a survey of the proposed route.³ Soon afterwards the necessary surveys were made by one, Richard P. Morgan.⁴ The notes of the survey, along with an estimate of the cost of constructing a road and of the probable amount of business, were then published in pamphlet form and distributed throughout the East, the object being to get eastern capitalists interested in the proposed railroad.⁵

At a regular meeting of the Board of Directors held at Iowa City on the 2nd of November, it was resolved to send a memorial to Congress praying for a grant of lands.⁶ In January, 1851, the use of "Center Market"⁷ in Iowa City was granted to the company by the General Assembly as well as a right of way through the State.⁸

It was, however, not so much the sincere object of the Davenport & Iowa City Railroad Company to build

¹ Original MS. Records of the D. & I. C. R. R. Co., page 1.

² *Ibid*, page 1.

³ *Ibid*, page 3.

⁴ *Ibid*, page 9.

⁵ Oral testimony of the company's Secretary, H. W. Lathrop.

⁶ Original MS. Records of the D. & I. C. R. R. Co., page 5.

⁷ Stat. Laws of Iowa, 3rd Gen. Ass'y, page 19.

⁸ *Ibid*, page 22.

a railroad as it was their purpose to survey a route, obtain a right of way, show up the feasibility of building railroads in Iowa, and, when the opportunity should present itself, to transfer their rights and property to the first railroad company that proposed to enter the State, provided Iowa City be made a point in the construction and operation of the road.¹ The desired opportunity came with the organization of the Mississippi & Missouri Railroad Company at Chicago in 1853.

MISSISSIPPI & MISSOURI RAILROAD COMPANY.

At the meeting of the Mississippi & Missouri Railroad Company in Chicago in May, 1853, LeGrand Byington represented the interests of the Davenport & Iowa City Railroad Company, and W. Penn Clarke, assisted by LeGrand Byington, was delegate on behalf of the people of Iowa City. After the Chicago meeting the leading men of the M. & M. R. R. Co. appeared in Iowa City, and at a public meeting unfolded their plans as follows:

1. They assumed to build the first division of the main line to Iowa City in two years.
2. To extend a branch from Iowa City to the Minnesota line, through Cedar Rapids.
3. To construct and operate another branch from Iowa City through Washington to the Missouri at St. Joseph.
4. To pay all interest on county and city bonds issued until the road paid dividends at the rate of 10 per cent.

In consideration whereof they required local stock subscriptions to the amount of about \$140,000.

About \$30,000 was immediately subscribed by the

¹ Oral testimony of the company's Secretary, H. W. Lathrop.

citizens. Soon afterwards bonds were voted by Johnson County to the amount of \$50,000 and by Iowa City to the same amount. And the Davenport & Iowa City Railroad Company transferred to the M. & M. R. R. Co., all their rights, franchises, property and stock on the conditions heretofore named.

The work on the main division of the road from Davenport to Iowa City, which was begun at once, was to be completed by the 1st day of January, 1856. As the eventful day approached there was great excitement and stir in Iowa City. The citizens resolved to hold a grand railroad festival on the 3rd of January, and donated \$2,600 to meet expenses. Invitations were sent out to prominent citizens of Chicago, Rock Island, Dubuque, Burlington and other Iowa towns.

On the last day of December it was feared that the road would not be finished that day. Whereupon a number of the citizens of Iowa City laid hold of the work with their own hands. Their labors were continued far into the night and in the light of large wood fires and burning tar barrels presented a dramatic scene.

At two o'clock January 3rd, the booming of guns announced the arrival of seven cars filled with guests, who were received by the citizens and escorted to the Capitol. Here they were welcomed by LeGrand Byington, the President of the day. Dr. Maxwell, of Chicago, responded on behalf of the guests. Then followed the banquet with toasts and speeches. The old stone Capitol never witnessed a more joyous occasion. It was long after midnight when the last strains of music hushed and the last foot-falls resounded through the corridors of the Capitol.

Having reached Iowa City in January, 1856, the M. & M. R. R. Co. did not for several years extend their

road farther west. This fact contributed much to the importance and growth of Iowa City; for, being the terminus of the only railroad in Iowa, the traffic and immigration to interior Iowa necessarily passed directly through the town. The era of progress which had set in about 1847, continued; and Iowa City now grew rapidly, notwithstanding she was about to lose her distinction as the capital city.

A MUNICIPAL CORPORATION.

Without an organized form of municipal government for a period of fourteen years, Iowa City was finally incorporated under special articles of incorporation passed by the General Assembly and approved on the 24th of January, 1853.

Previous to this, however, there had been an attempt to maintain a town government which after a trial of several months proved ineffectual. The officers elected at the time were: James Robinson, Mayor; Anson Hart, Secretary; Thomas Ricord, Treasurer. Ebenezer Sangster, who had been appointed Marshal, at once proceeded to carry out the duties of his office by ordering the inhabitants to clean up the streets and alleys. These orders, unfortunately, led him into difficulty; for the inhabitants were so unaccustomed to the commands of a town officer that in many cases they flatly refused to obey. But the real crisis of this administration came when the officers, finding it necessary to obtain money for the support of the government, levied a municipal tax. This tax the people refused to pay. Whereupon the officers, disgusted at being left without financial support, dropped their official duties and returned to their ordinary pursuits.

On Wednesday, the 6th of April, 1853, the following officers of Iowa City took the oath of office before George S. Hampton, Clerk of the Supreme Court of Iowa: Jacob DeForest, Mayor; Anson Hart, Recorder; C. H. Buck, Treasurer; Robert Hutchinson, Marshal; Benjamin King, Assessor; and Edward Lanning, William H. Hunt, Thomas Snyder, Franz P. Brossart, William Penn Clarke, Peter Roberts, Peter Statzer and John Van Fleet, Aldermen. On the evening of the same day these officers held their first meeting in the Capitol.

MUNICIPAL IMPROVEMENTS.

Up to the time of its incorporation Iowa City must certainly have presented a ragged appearance. The streets were neither paved nor graded. In many places they were almost impassable on account of brush and stumps of trees. With the exception of a few hundred feet on Clinton street there were no sidewalks. One hundred and fourteen dogs ran loose untaxed; and droves of hogs, running at large, rooted in the streets and before private door yards. Indeed the hog had become an obnoxious public nuisance.

To the task of remedying this condition of affairs the new administration at once applied its energies. An ordinance to "provide for Cleaning of Streets, Roads and Sidewalks" passed by the City Council on the 13th of April was soon followed by others relating to nuisances, street grading, the removal of brush and stumps, and sidewalks. Hogs were prohibited from running at large; and all dogs were taxed. In February, 1855, a Board of Health was created. In December, 1856, a permit to light the town by gas for twenty years was granted to David R. B. Nevin & Co.

A POLITICAL CENTER.

From 1839 to 1857, Iowa City, being the capital, was the nerve-center of Iowa politics. It was the seat of the General Assembly and the town of public conventions of all kinds. From January to January the atmosphere was full of politics. During the sessions of the General Assembly discussions naturally became more vehement and heated; for all eyes in the State were then turned towards the capital. Lobbyists appeared at the hotels and plied their profession with much zeal; yet the lobby in those days is insignificant when compared to the body of persons that now hovers about the Capitol at Des Moines to "influence" public officials.

Then too the members of the earlier Assemblies were not so open to political intrigues and jobbery. Mostly farmers, they were as a rule straight-forward honest men, and did what seemed to them their duty towards their fellow citizens. It is true that their narrow-mindedness sometimes led them into blunders; but such mistakes were due to ignorance and not to corruption. In a certain respect they were at one with their successors. They were parsimonious. In practicing their economy they were over-zealous. Their conception of public business was narrowed by their ideas of private enterprise. To appropriate more money than could be readily counted on one's fingers was to them a great waste of public funds.

Full of life and energy while the General Assembly was in session, Iowa City was certainly dull when the members had finished their public business and departed to their homes. During the period of adjournment the town was even more forsaken than it now is after commencement.

VII.

REMOVAL OF THE CAPITAL.

AGITATION FOR REMOVAL.

The same argument that led to the location of the capital in Johnson County in 1839, forced its removal to Des Moines in 1857. I refer to the argument that the capital of a Territory or State ought to command a *central* location, both geographically and with respect to the future mass of population.

No sooner had Iowa become a State than it was observed, especially by the inhabitants of the Des Moines valley, that the location of Iowa City was far from the geographical center of the State as bounded by the constitution of 1846. Hence the public mind began to look forward to an ultimate change in the location of the capital.¹ But the change did not come without a struggle.

At the first session of the General Assembly which met at Iowa City in December, 1846, the question of removal was first brought up, and at the time was discussed with considerable interest. The argument based on the principle of *central* location was a strong one; but the opposition were undoubtedly in the right when they maintained that immediate removal would be premature. For the center of population had not yet passed Iowa

¹ Stat. Laws of Iowa, 1st Gen. Ass'y, page 204.

City. Shortly before the close of the session the discussion ended in a compromise, that proposed to leave Iowa City in possession of the State University upon the removal of the capital farther west. With this understanding "AN ACT to provide for the location of the Seat of Government of the State of Iowa and for the selection of land granted by Congress¹ to aid in erecting Public Buildings" was passed by the General Assembly and approved on the 22nd of February 1847.² By this act, John Brown, Joseph Hoag and John Taylor were appointed commissioners to meet in the month of May, 1847, and examine the State for the purpose of selecting land and of making a location for the permanent seat of government, which location must be near the geographical center of the State.³

MONROE CITY.

In accordance with their instructions from the General Assembly the above named commissioners met in Henry County⁴ and proceeded to examine such parts of the State as they deemed expedient; and after an examination of a considerable portion of the unsettled as well as the settled parts of the State, they selected five sections of land in Jasper County, namely: Sections four, five, eight, nine, the west half of section three and the west half of section ten, all in township seventy-eight north, range twenty west of the fifth Principal Meridian.⁵ On

¹ Five sections of land were granted by Congress in an act passed March 3rd, 1845.—U. S. Stat. at Large, Vol. V, page 790.

² Stat. Laws of Iowa, 1st Gen. Ass'y, page 85.

³ *Ibid*, page 85.

⁴ Report of Commissioners, House Jour., 2nd Gen. Ass'y, page 199.

⁵ *Ibid*, page 199.

these lands the commissioners caused to be laid out a town which they called **MONROE CITY**.¹

After Monroe City had been surveyed and platted the commissioners gave notice of a public sale of lots. The sale was begun on the 28th of October and continued from day to day until the 2nd of November. Four hundred and fifteen lots were sold at these sales. One of the commissioners alone purchased thirty-eight lots—for which he paid the average price of about \$6.50 per lot.

The location of Monroe City, however, met with general disapproval throughout the State. The people of the Des Moines valley, for whose special benefit the removal had been made, called a public meeting to protest against the action of the commissioners. Even those who had so strongly advocated removal, now that the location had been made nearer the geographical center of the State, began to feel that it was absurd to remove the capital while yet the center of population remained east of Iowa City. Indeed, so universal was the dissatisfaction that at the next session of the General Assembly an act was passed vacating the town of Monroe City.² Thus the first agitation for removal proved abortive and Iowa City remained the capital ten years longer.

NOTE.—The proceeds of the sale of the five sections of land, granted by Congress to the State of Iowa and selected by the commissioners in Jasper County as the location for the capital, were afterwards appropriated for the use and benefit of the Iowa Agricultural College in the original act establishing said College in 1858.—See Stat. Laws of Iowa, 7th Gen. Ass'y, page 774.

¹ Report of Commissioners, House Jour., 2nd Gen. Ass'y, page 199.

² The act vacating Monroe City also provided for refunding all money received in payment for lots purchased in said town.—Stat. Laws of Iowa, 2nd Gen. Ass'y, page 147.

DES MOINES.

The Monroe City episode had the immediate effect of weakening the party in favor of removing the capital. But they still argued for a *central* location,¹ and finally, when the 5th General Assembly met at Iowa City in the winter of 1854-55, succeeded in passing "An Act to relocate the seat of Government."²

This act, which was approved on the 25th of January, 1855, provided, that five commissioners, appointed by the Governor, shall select a site within two miles of the junction of the Des Moines and Raccoon rivers in Polk County; and that "it shall be the duty of the commissioners in making the relocation to obtain at least as much land as is necessary for the capital buildings, and may be practicable to obtain without charge to the State, and also any and all grants and donations of land and town lots, within their power to the State."³

In compliance with the above act the commissioners appointed by the Governor selected as a site for the permanent seat of government of the State the land upon which the present Capitol of Iowa stands in the city of Des Moines on the east side of the Des Moines River.

THIRD CONSTITUTIONAL CONVENTION.

On the day previous to the one on which the act to relocate the seat of government was approved, an act of equal importance received the signature of the Governor. This was an act submitting to a vote of the people the question of a constitutional convention to revise and

¹ See House Jour. of 3rd Gen. Ass'y, pages 236, 289.

² Stat. Laws of Iowa, 5th Gen. Ass'y, page 105.

³ *Ibid*, page 106.

amend the constitution of 1846.¹ At the general election held on the first Monday in August, 1856, the people decided in favor of revision—they had grown weary of the clause in the constitution of 1846 which abolished banks—and on the Tuesday after the first Monday in November elected delegates to a convention.

This convention, the third of its kind called into existence by the people of Iowa, assembled at Iowa City on the 19th day of January, 1857.² The General Assembly being yet in session at the Capitol, the convention held its meetings for a few days in the Supreme Court room, which on account of its size was somewhat inconvenient.³ On the 20th, permanent organization was effected with Francis Springer as President.⁴ On the 29th the General Assembly adjourned, after which the convention occupied the more convenient halls of the Assembly. After a session of forty-five days the third constitutional convention adjourned *sine die*.⁵

The constitution drafted by this convention—known as the constitution of 1857—was submitted to the people and approved by them at the general election in August, 1857.

The constitution of 1857, like the constitutions of 1844 and 1846, contained an elaborately drawn bill of rights, defined the conditions of suffrage, and besides prescribing the form of government in its legislative, executive

¹ Stat. Laws of Iowa, 5th Gen. Ass'y, page 114.

² Journal of Convention, page 3.

³ Familiar with the situation the city councils of both Dubuque and Davenport offered to entertain the convention and furnish suitable accommodations in case the convention decided to remove from Iowa City.—See Journal of Convention, pages 6, 7.

⁴ *Ibid*, page 10.

⁵ *Ibid*, page 389.

and judicial departments, embraced detailed legislation respecting state debts, corporations, education and school lands, and miscellaneous topics. The several constitutions of Iowa have alike conformed to the general tendency in American commonwealths to legislative enactments by constitutional conventions. This tendency, developed no doubt by the desire to secure permanence in legislation, marks on the one hand the confidence of the people in itself, while on the other hand it intimates a suspicion of the shifting caprice of successive Assemblies. It is an incident to democratic government, at least in its formative period, and constitutes in its most pronounced form the American type of the Swiss referendum. The location of the State University at Iowa City by the constitutional convention of 1857 is a fine example of an enactment by the convention purely legislative.

THE GREAT COMPROMISE.

The struggle over the permanent location of the capital was a long one. Begun at the first session of the General Assembly of the State, it was waged incessantly for a period of eleven years. It generated a feeling of sectional jealousy so strong that from the beginning it was evident that the question could be settled only by a compromise.

Accordingly the first formal proposal for the removal of the capital farther west contemplated the establishment of a State University at Iowa City. This compromise was reluctantly entertained by the people of Iowa City—they insisted on holding the capital. But when, in the course of time, they saw that the argument in favor of central location would ultimately prevail, they

acquiesced and petitioned the General Assembly for the State University. Thereupon two acts were passed by the General Assembly in February, 1857, one providing for the relocation of the capital, and the other establishing the State University at Iowa City. The location of the capital in Jasper County, however, was disapproved, and the organization of the State University delayed.

When the third constitutional convention assembled at Iowa City in January, 1857, Des Moines had already been selected as the site for the capital and the State University had been put into actual operation at Iowa City. To make the arrangement more binding the convention incorporated this great compromise into the new constitution:

The Seat of Government is hereby permanently established, as now fixed by law, at the City of Des Moines, in the county of Polk; and the State University at Iowa City in the county of Johnson.

In the fall of 1857, the capital was removed to Des Moines. The archives of the State were all transported overland; for the Mississippi & Missouri Railroad Company had not yet extended their road beyond Iowa City. The snows of the winter of 1857-58 had begun to fall when the public safe, the last article to be removed, was loaded on two bobsleds and drawn by ten yoke of oxen from the old capital to the new.

